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OFFICIAL JOURNAL

OF THE

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D.

HOUSE OF REPRESENTATIVES

OF THE

STATE OF TEXAS.

SEVENTH BIENNIAL SESSION.

AUSTIN:

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Office

HOUSE JOURNAL.

AUSTIN, November 2d, 1857.

The House of Representatives of the 7th Legislature of the State of Texas, met in pursuance of law, and was called to order by Edward Clark, Secretary of State; H. H. Haynie, former Chief Clerk, officiating as Clerk, *pro. tem.*, and Benjamin F. Parks, as Sergeant-at-Arms, *pro. tem.*

The roll of Districts being called, the following members of the Legislature appeared and presented their credentials, to wit: .

- District No. 1, Bowie—H. W. Runnels ;
- “ “ 2, Red River,— ——— ;
- “ “ 3, Lamar—J. H. Crook and E. J. Shelton ;
- “ “ 4, Fannin—Gideon Smith ;
- “ “ 5, Grayson—George R. Reeves ;
- “ “ 6, Collin—J. P. Scott ;
- “ “ 7, Denton, Collin, Cook and Wise—A. Bishop ;
- “ “ 8, Dallas—A. J. Witt ;
- “ “ 9, Hunt— ——— ;
- “ “ 10, Hopkins—E. D. McKenney ;
- “ “ 11, Hopkins, Fannin and Red River— ——— ;
- “ “ 12, Titus—J. T. Harris ;
- “ “ 13, Cass— ——— ;
- “ “ 14, Cass and Titus—J. B. Henderson ;
- “ “ 15, Harrison—E. T. Craig ;
- “ “ 16, Upshur—M. F. Locke ;
- “ “ 17, Smith—G. W. Chilton and Jonà'n Lewter ;
- “ “ 18, Wood and Van Zandt—Jas. M. Harrison ;
- “ “ 19, Kaufman and Henderson—A. B. Norton ;
- “ “ 20, Anderson—R. K. Gaston and A. T. Rainey ;
- “ “ 21, Cherokee—T. J. Jennings, Wm. S. Taylor and Thos. J. Johnson ;

- “ 22, Rusk—W. M. Ross, D. R. Lacy, J. Wal-
 ling and Emory Lloyd ;
 “ 23, Panola— ——— ;
 “ 24, Shelby—M. F. Roberts ;
 “ 25, Shelby, Panola and San Augustine—Spear-
 man Holland ;
 “ 26, San Augustine—R. Waterhouse ;
 “ 27, Nacogdoches—H. Rhodes and S. W. Kirk ;
 “ 28, Houston—John H. Burnett ;
 “ 29, Polk and Trinity—John S. Cleveland ;
 “ 30, Sabine, Jasper and Newton—R. C. Doom ;
 “ 31, Angelina and Cherokee—Jo. Everett ;
 “ 32, Jefferson and Orange—Wm. Smith ;
 “ 33, Liberty—Frank Hardin ;
 “ 34, Tyler—E. G. Collier ;
 “ 35, Galveston—John Henry Brown and Thomas
 M. Joseph ;
 “ 36, Harris—J. W. Henderson and W. Edwards ;
 “ 37, Montgomery—R. M. Powell ;
 “ 38, Walker—H. W. Fisher ;
 “ 39, Grimes—T. H. M. Rogers ;
 “ 40, Walker, Madison and Grimes—P. W. Kit-
 trell ;
 “ 41, Leon—W. D. Wood ;
 “ 42, Freestone, Limestone and Falls—T. P.
 Aycock ;
 “ 43, Navarro and Hill— ——— Carroll ;
 “ 44, Ellis, Tarrant, Johnson and Parker—W.
 R. Shannon ;
 “ 45, Bell and McLennan—A. J. Evans ;
 “ 46, Robertson and Milam—C. M. Lesueur ;
 “ 47, Burleson and Brazos—E. J. Chance ;
 “ 48, Williamson and Burnett—W. C. Dalrym-
 ple ;
 “ 49, Washington—A. M. M. Upshaw and A. G.
 Haynes ;
 “ 50, Austin—N. Holland ;
 “ 51, Fort Bend and Austin—C. W. Buckley ;
 “ 52, Brazoria— ——— ;
 “ 53, Matagorda and Wharton—Isaac N. Den-
 nis ;
 “ 54, Colorado—C. W. Tait ;
 “ 55, Fayette—L. F. Price ;

- “ “ 56, Bastrop—J. O. Higgins ;
 “ “ 57, Travis—Thomas F. McKinney ;
 “ “ 58, Fayette, Bastrop and Travis—Joseph Lee ;
 “ “ 59, Jackson and Calhoun— ———— ;
 “ “ 60, Victoria and Goliad—J. H. Barnard ;
 “ “ 61, Lavaca and DeWitt—W. J. Howerton ;
 “ “ 62, Gonzales—A. N. Mills ;
 “ “ 63, Guadalupe—I. V. Harris ;
 “ “ 64, Caldwell and Hays—T. M. Hardeman ;
 “ “ 65, Nueces, San Patricio and Refugio ;
 “ “ 66, Webb—H. P. Bee ;
 “ “ 67, Starr—John L. Haynes ;
 “ “ 68, Cameron— ———— ;
 “ “ 69, Cameron and Hidalgo—E. T. Merriman ;
 “ “ 70, Bexar—A. Navarro, and John Crawford ;
 “ “ 71, Bexar, Uvalde, Gillespie, Medina, Kinney
 and Comal—Jacob Wælder ;
 “ “ 72, Comal and Gillespie—A. O. Cooley ;
 “ “ 73, El Paso and Presidio— ———— ;

A quorum being present, the members were called forward and the oath prescribed by the Constitution, administered to them by the Secretary of State.

Upon the suggestion of the Secretary of State, the House proceeded to the election of a Speaker. Mr. Bee nominated Mr. Wm. S. Taylor.

There being no other nomination, the House proceeded to ballot, and upon telling the vote, it appeared that Mr. Taylor had received 69 votes, whereupon he was declared by the Secretary of State duly elected Speaker of the House of Representatives.

Messrs. Bee and Rainey were appointed to wait on Mr. Taylor and conduct him to the Chair.

The Speaker elect, after a few appropriate remarks, announced that the House would proceed to the election of officers.

Mr. Rainey nominated H. H. Haynie for Chief Clerk. There being no other nomination, on motion of Mr. Jennings, H. H. Haynie was declared elected Chief Clerk of the House of Representatives by acclamation.

Mr. Chilton nominated Thos. P. Ochiltree for 1st Assistant Clerk, and there being no other nomination, on motion of Mr. Rainey, Tom. P. Ochiltree was declared elected 1st Assistant Clerk of the House of Representatives by acclamation.

Mr. Witt nominated W. L. Chalmers for 2d Assistant Clerk ;

there being no other nomination, on motion of Mr. Jennings, W. L. Chalmers was declared elected 2d Assistant Clerk of the House of Representatives by acclamation.

Mr. Dennis nominated Chas. Coney for Engrossing Clerk; there being no other nomination, Chas. Coney was declared elected Engrossing Clerk by acclamation.

Mr. Everett nominated Alfred Davis for Enrolling Clerk; there being no other nomination, Alfred Davis was declared elected Enrolling Clerk of the House of Representatives by acclamation.

Mr. Bee nominated B. F. Parks for Sergeant-at-Arms; there being no other nomination, B. F. Parks was declared elected Sergeant-at-Arms of the House of Representatives by acclamation.

Mr. Kittrell nominated Thos. Rogers for Door-Keeper; there being no other nomination, Thos. Rogers was declared duly elected Door-Keeper of the House of Representatives by acclamation.

Mr. Kittrell offered the following resolution:—

Resolved, That the offices of Assistant Sergeant-at-Arms, Assistant Door-Keeper, and Messenger, are hereby created, and that the House proceed to the election of officers to fill the same. Adopted.

The Speaker then announced nominations for Assistant Sergeant-at-Arms as in order.

Whereupon Mr. Upshaw nominated Robert R. Robertson, and there being no other nomination, R. R. Robertson was declared elected by acclamation.

Mr. Henderson, of Harris, nominated Thos. P. Plasters for Assistant Door-Keeper, and there being no other nominations, Thos. P. Plasters was declared elected Assistant Door-Keeper by acclamation.

Mr. Wood nominated Robert Cotter for Messenger, and there being no other nomination, Robert Cotter was declared duly elected Messenger of the House of Representatives.

The Clerks elect came forward and were qualified.

Mr. Kittrell offered the following resolution:

Resolved, That the Speaker appoint a committee of three to inform the Senate that the House is duly organized and ready to proceed to business. Adopted.

The Speaker announced Messrs. Kittrell, Rainey and Bee said committee.

Mr. Locke offered the following resolution—

Resolved, That the Speaker appoint a committee of three

to act with a like committee on the part of the Senate, to inform the Governor that the Legislature is organized, and ready for the reception of any communication from his Excellency. Adopted.

Messrs. Locke, Dennis and Gaston were appointed said committee.

On motion of Mr. Wælder, the Chief Clerk was instructed to prepare ballots for seats, and that the same be drawn for by the members to-morrow, 9 o'clock A. M.

On motion of Mr. Henderson, of Harris, the House adjourned until to-morrow, 9 o'clock A. M.

AUSTIN, Nov., 3, 1857.

House met pursuant to adjournment. Roll called, quorum present. Journals of yesterday read and adopted.

A message was received from the Senate, through Senator Lott, Chairman of a Committee of the Senate, announcing to the House that the Senate had organized and was ready to proceed to business.

A message was received from the Senate announcing to the House that the Senate had elected the following officers :

James F. Johnson, Secretary.

R. T. Brownrigg, Assistant Secretary.

Thos. P. Samford, 2d Assistant Secretary.

Stephen Cummings, Engrossing Clerk.

J. Pat Henry, Enrolling Clerk.

Wm. A. Pitts, Sergeant-at-Arms.

L. M. Truitt, Door-Keeper.

A. M. Clare, Assistant Door-Keeper.

And that the Senate had appointed Senators Potter, Maverick and Britton a committee on the part of the Senate to wait upon the Governor and inform him of the organization of the Legislature.

On motion of Mr. Kittrell, Mr. Rogers, member elect from Grimes, came forward, presented his credentials took the oath of office and his seat.

Mr. Bee offered the following Resolution :

Resolved, That the Speaker appoint a committee of five, to examine and report such amendments to the rules of the House, as they may deem necessary to the dispatch of bus-

iness, and that the rules of last session of the House be in force until said committee shall report ; adopted.

Mr. Kittrell, chairman of a select committee reported as follows :

The Committee on the part of the House, to inform the Senate of its organization and readiness to proceed to business have performed that duty and ask to be discharged ; adopted.

Mr. Brown offered the following resolution :

Resolved, That the Reporters for the newspaper press of the State be allowed seats within the bar of the House during the present session ; adopted.

Mr. Chilton, offered the following resolution :

Resolved, That the Speaker of the House be authorized to appoint the usual standing committees ; adopted.

Mr. Wælder, offered the following resolution :

Resolved, That each member of the House be furnished with a copy of Hartley's Digest, the Penal and Criminal Codes, Journals of the last session of the Legislature and such Statutes passed since 1850, as may be in his Department, and that the Chief Clerk be instructed to draw the same from the State Department ; adopted.

A message was received from the Senate through their Secretary announcing to the House that the Senate had passed a resolution, that both houses (the House concurring) would meet in joint session and go into the election of Public Printer, at 11 o'clock, to-morrow; and count the vote for Governor and Lt. Governor ; resolution taken up and concurred in by the House.

Mr. Johnson, offered the following resolution :

Resolved, That a committee of three be appointed to contract with the Post Master of this place for the transmission of papers and Public Documents through the mail the expenses to be charged to the contingent fund of the House ; adopted.

Mr. Chilton offered the following resolution :

Resolved, That the House of Representatives now proceed to the election of Chaplain.

Mr. Bee moved to lay the resolution on the table, whereupon the yeas and nays were called for and stood thus :

YEAS.—Messrs. Barnard, Bee, Bishop, Brown, Chance, Cooley, Crawford, Hardeman, Harris of Titus, Harrison, Haynes of Starr, Henderson of Harris, McKenney of Hopkins,

McKinney of Travis, Navarro, Powel, Price, Reeves, Rogers, Ross, Shannon, Tait, Wælder and Wood.—24.

NAYS.—Messrs. Speaker, Aycock, Burnett, Cleveland, Chilton, Craig, Crook, Carroll, Dalrymple, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Harris of Guadalupe, Haynes of Washington, Higgins, Holland of Austin, Holland of Panola, Howerton, Jennings, Johnson, Kirk, Kittrell, Lee, Lesueur, Lewter, Locke, Lloyd, Mills, Norton, Rainey, Rhodes, Roberts, Runnels, Scott, Shelton, Smith of Fannin, Smith of Orange, Upshaw, Walling, Witt and Worsham.—45.

So the House refused to lay the resolution on the table.

Mr. Walling offered the following as a substitute for the resolution :

Resolved, That we, the Representatives, agree to pay out of our per diem pay a sufficient amount to pay our Chaplain during this session.

On motion of Mr. Jennings, the substitute was laid on the table by the following vote :

YEAS.—Messrs. Speaker, Bishop, Burnett, Carrell, Chilton, Cleveland, Craig, Crook, Dalrymple, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Washington, Henderson of Cass, Higgins, Holland of Austin, Holland of Panola, Jennings, Johnson, Joseph, Kirk, Kittrell, Lesueur, Lewter, Locke, Lloyd, McKenney of Hopkins, Mills, Navarro, Rainey, Roberts, Rogers, Runnels, Scott, Shelton, Smith of Fannin, Upshaw and Witt.—47.

NAYS.—Messrs. Aycock, Bee, Brown, Barnard, Chance, Cooley, Crawford, Hardeman, Haynes of Starr, Henderson of Harris, McKinney of Travis, Merriman, Norton, Powell, Price, Reeves, Shannon, Smith of Orange, Tate, Wælder, Walling, Waterhouse and Wood.—22.

Mr. Henderson of Harris, moved to refer the resolution to a Select committee of five; laid on the table.

The resolution was then adopted, and on motion of Mr. Brown, the election was postponed until to-morrow 10 o'clock, A. M.

Mr. Crawford offered the following resolution:

Resolved, That the House proceed to the election of a Reporter; adopted.

Nominations being in order, Mr. Chilton nominated Mr. W. F. Weeks.

There being no other nomination, Mr. Weeks, was declared elected Reporter by acclamation.

Mr. Locke Chairman of a special committee, made the following report :

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives.

The Joint Committee, appointed to wait upon his Excellency, and inform him that the Legislature was organized and ready for the reception of any communication he may desire to make, ask leave to report that duty performed, and that the Governor expects to be ready to transmit his message to-morrow ; report accepted and committee discharged.

Mr. Brown, introduced a bill to prescribe the manner of recording the vote for Governor and Lt. Governor ; read first time ; rule suspended, read second time, and ordered to be engrossed ; rule further suspended, read third time and passed.

Mr. Henderson of Harris, introduced a bill for the relief of the creditors and colonists of the German Emigration Company ; read first time.

On motion of Mr. Henderson of Harris, the House adjourned until 9 o'clock, A. M., to-morrow.

AUSTIN, Nov. 4th, 1857.

House of Representatives met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

The Speaker announced the following

STANDING COMMITTEES.

COMMITTEE ON PRIVILEGES AND ELECTIONS—Mr. Ross, Chairman ; Brown, Mills, Runnels, Craig, Lacy, Locke, Henderson, of Cass, Lloyd, Hicks, Upshaw.

COMMITTEE ON CONTINGENT EXPENSES—McKenney, of Hopkins, Chairman ; Fisher, Burnett, Hardeman, Harris of Guadalupe, Bee, Lesueur, Lee.

COMMITTEE ON MILITARY AFFAIRS—Edwards, Chairman ; Upshaw, Rainey, Navarro, Bishop, Burks, Haynes, of Stark, Reeves, Walling.

COMMITTEE ON PRIVATE LAND CLAIMS—Buckley, Chair-

man; Shannon, Lewter, Walling, Wood, Gaston, Hardeman, Hardin, Witt, Burnett, Ross, Howerton.

COMMITTEE ON COUNTY BOUNDARIES—Brown, Chairman; Dalrymple, Crawford; Smith of Orange, Upshaw, Doom, Johnson, Evans, Norton, Rhodes, Reeves.

COMMITTEE ON INDIAN AFFAIRS—Wælder, Chairman; Upshaw, Hart, Wood. Tait, Lloyd, Crawford, Jones, French, Higgins, Burks.

COMMITTEE ON ENROLLED BILLS—Locke, Chairman; Ward, Everett, Waterhouse.

COMMITTEE ON PENITENTIARY—Fisher, Chairman; Kittrell, Lacy, Upshaw, Joseph, Burks, Witt, Craig, Hall, Dalrymple.

COMMITTEE ON JUDICIARY—Jennings, Chairman; J. W. Henderson, Murrah, Buckley, Chilton, Cleveland, Aycock, Johnson, Wælder, Rainey, Dennis, Everett, Mills, Hicks, Wood, Joseph, Lee, Edwards.

COMMITTEE ON FEDERAL RELATIONS—Murrah, Chairman; Poag, Tait, French, Haynes of Washington, Edwards, Smith, of Orange, Bee.

COMMITTEE ON PUBLIC BUILDINGS—Lee, Chairman; Baldwin, Collier, Everett, Hall, Merriman, Norton, Chance, McKinney, of Travis.

COMMITTEE ON LAND OFFICE—Hardin, Chairman; Barnard, Shannon, Powell, Shelton, Ross, Walling.

COMMITTEE ON EDUCATION—Kittrell, Chairman; Jennings, Everett, Powell, Wælder, McKinney, of Travis, Chilton, Joseph, Bee, Edwards.

COMMITTEE ON PUBLIC DEBT—Kittrell, Chairman; Jennings, Hardeman, Locke, Reeves, Kirk, Smith, Latham, Poag.

COMMITTEE ON ENGROSSED BILLS—Dennis, Chairman; Crawford, Johnson.

COMMITTEE ON STATE AFFAIRS—Bee, Chairman; Roberts, Munson, Harris of Titus, Holland, Aycock, Tait, Navarro, Rogers, Ross, Kirk, Brown.

COMMITTEE ON INTERNAL IMPROVEMENTS—Rainey, Chairman; Joseph, Baldwin, Chilton, McKenney, of Hopkins, Wælder, Latham, Harrison, Ross.

COMMITTEE ON CLAIMS AND ACCOUNTS—Mills, Chairman; Gaston, Munson, Lewter, Rhodes, Runnels, Scott, Shelton, Kittrell.

COMMITTEE ON PUBLIC LANDS—Aycock, Chairman; Murrah, Barnard, Carroll, Crook, Collier, Haynes, Cooley, Chance, Roberts.

COMMITTEE ON PRINTING—Johnson, Chairman; Brown, Wood, Wælder, Kinney, McKenny, of Hopkins, and Tait.

On motion of Mr. Brown, Mr. Howerton was excused from attendance on the House on account of indisposition.

On motion of Mr. Henderson of Harris, Mr. Henry C. Hicks, the member elect from the county of Jasper, came forward, took the oath of office and his seat.

On motion of Mr. Kittrell, Thomas P. Plasters, Assistant Door-Keeper of the House of Representatives, was excused from his duties in said office until Monday next.

On motion of Mr. Tait, Mr. Buckley was excused from attendance on the House on account of indisposition.

A communication from the Secretary of State, regarding the contested seat of Mr. Holland of Austin, was taken from the Speaker's table, and on motion of Mr. Henderson, of Harris, referred to the committee on Privileges and Elections.

On motion of Mr. Lee, the certificates of election of Messrs. Clow and White, contesting the seat from the Representative District No. 59, were referred to the committee on Privileges and Elections.

On motion of Mr. Brown, one hundred and fifty copies of the lists of the standing committees of the House of Representatives were ordered to be printed, and the chief Clerk authorized to order the same.

Mr. Henderson, of Harris, presented the memorial of J. Carroll Smith, James A. Baker and W. H. Leigh, the Executive committee of Austin College—read and referred to committee on Education.

Mr. Rainey offered the following resolution, which was adopted:

Resolved, That the House of Representatives, with the concurrence of the Senate, proceed to the election of a United States Senator, to fill the vacancy occasioned by the death of the Hon. Thomas J. Rusk, on Friday, the 6th instant, at 10 o'clock, A. M.

Mr. Henderson, of Harris, offered the following resolution, which was adopted:

Resolved, That the committee on the Penitentiary be instructed to inquire into the propriety of leasing the State Penitentiary, and that they report by Bill or otherwise.

Mr. Barnard presented the petition of Edward Seeligson, of Goliad county—read and referred to committee on Private Land Claims.

Mr. Everett presented the petition of sundry citizens of Angelina county relative to County Seat of said county—read and referred to committee on County Boundaries.

Mr. Locke presented the petition of sundry citizens of Upshur county praying that the time of holding the County Court of said county be changed—read and referred to committee on Judiciary.

Mr. Shelton presented the petition of Joseph Baker—read and referred to committee on Private Land Claims.

Mr. Shelton presented a petition from the citizens of Galveston asking an extension of the corporate limits of said city—read and referred to committee on State Affairs.

Mr. Hardin presented the petition of Wm. M. Spalding for relief—read and referred to committee on Internal Improvements.

Mr. Locke presented the petition of William Lee for relief—read and referred to committee on Public Lands.

Mr. Wælder presented a Bill to be entitled, "An Act to incorporate the Casino Association of San Antonio"—read first and second times and referred to committee on State Affairs.

Mr. Smith, of Fannin, presented "An Act to incorporate the Town of Bonham"—read first and second times and referred to committee on State Affairs.

A message was received from His Excellency, E. M. Pease, Governor, &c.

On motion of Mr. Kittrell, the House took a recess of ten minutes.

Recess expired—roll called—quorum present.

On motion of Mr. Jennings, Mr. Witt was added to the committee on Privileges and Elections.

On motion of Mr. Aycock, Mr. Evans was added to the committee on the Judiciary.

On motion of Mr. Brown, Mr. Price was added to the Judiciary committee.

On motion of Mr. Jennings, Mr. Dennis was excused from acting as Chairman of committee on Engrossed Bills, and added to committee on Internal Improvements.

The hour having arrived for the election of Public Printer, and opening the polls and counting the vote for Governor and Lieut. Governor, the chief Clerk was instructed to invite the Senate to meet the House in joint session for that purpose.

The Senate then appeared, headed by the Hon. M. D. K.

Taylor, President *pro tem*, who was invited to a seat on the right of the Speaker, and Senators to seats provided for them.

The two Houses, in joint session, then proceeded to the election of Public Printer, and to open the polls and count the vote for Governor and Lieut. Governor.

The Speaker announced nominations as in order for Public Printer, whereupon Mr. Henderson, of Harris, put in nomination John Marshall—and Senator Lott, on the part of the Senate, put in nomination John Marshall.

There being no other nominations, both Houses proceeded to vote *viva voce*—upon telling the vote, it appeared that John Marshall had received 64 votes, Baker & Root 5, Oldham 1, blank 1.

Those voting in the House for John Marshall were—Messrs. Speaker, Aycock, Bishop, Brown, Burnett, Carroll, Chance, Chilton, Cleveland, Collier, Cooley, Craig, Crawford, Crook, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Washington, Henderson, of Harris, Henderson of Cass, Hicks, Higgins, Holland, of Panola, Jennings, Johnson, Joseph, Kittrell, Lacy, Lee, Lewter, Locke, Lloyd, McKenney, of Hopkins, Merriman, Mills, Navarro, Norton, Powell, Rainey, Reeves, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith, of Fannin, Smith, of Orange, Tait, Upshaw, Wælder, Walling, Witt and Wood—64.

Those voting for Baker & Root were—Messrs. Barnard, Dalrymple, Kirk, Lesueur and Price, 5—Mr. Bee voting blank and Mr. McKinney, of Travis, voting for Oldham.

John Marshall having received a majority of all the votes cast, was declared by the Speaker duly and constitutionally elected Public Printer.

The Houses in joint session then proceeded to count the vote for Governor and Lieut. Governor, Senator Graham on the part of the Senate, and Messrs. Rainey and Kittrell on the part of the House, were appointed tellers.

Upon opening and telling the vote it stood as exhibited on the adjoining pages:

COUNTIES.	For Governor.		For Lieut. Governor.		
	H. R. RUNNELS.	SAM HOUSTON.	F. R. LUEBOCK.	JESSE GRIMES.	F. SMITH.
Anderson - - -	606	470	603	425	
Angelina - - -	71	170	65	166	
Atascosa - - -	186	95	178	59	16
Austin - - -	424	273	438	259	
Bandera - - -					
Bastrop - - -	415	248	432	240	
Bell - - -	297	215	296	194	10
Bexar - - -	927	521	950	469	19
Bosque - - -	104	45	113	36	
Bowie - - -	262	54	240	67	
Brazoria - - -	349	58	384	26	
Brazos - - -	73	149	55	157	
Brown - - -	12	4	16		
Burleson - - -	290	338	292	315	
Burnet - - -	130	104	140	41	43
Caldwell - - -	345	277	357	271	3
Calhoun - - -	185	156	200	94	46
Cameron - - -	670	76	681	71	
Cass - - -	587	369	580	356	
Cherokee - - -	925	824	939	765	
Collin - - -	469	360	482	293	4
Colorado - - -	316	167	321	152	
Comal - - -	313	37	318	33	2
Comanche - - -	68	49	75	9	
Cooke - - -	126	100	131	70	
Coryell - - -	167	138	187	116	
Dallas - - -	569	404	589	318	
Denton - - -	230	192	233	137	17
DeWitt - - -	244	178	302	24	40
Ellis - - -	326	253	332	230	7
El Paso - - -	898	14	804		8
Erath - - -	29	33	41	9	
Falls - - -	113	214	114	214	

Fannin - - - -	439	221	459	150	4
Fayette - - - -	601	467	580	494	
Fort Bend - - - -	212	126	221	105	
Freestone - - - -	336	225	342	226	
Galveston - - - -	451	180	476	181	2
Gillespie - - - -	256	31	276	3	
Goliad - - - -	126	152	150	126	4
Gonzales - - - -	479	390	491	342	28
Grayson - - - -	492	361	468	318	
Grimes - - - -	287	354	283	355	
Guadalupe - - - -	354	255	344	70	182
Harris - - - -	685	474	728	435	
Harrison - - - -	601	556	601	563	
Hays - - - -	86	129	85	130	2
Henderson - - - -	289	145	296	130	
Hidalgo - - - -	210	3	220		
Hill - - - -	120	171	118	168	
Hopkins - - - -	600	348	593	251	10
Houston - - - -	422	313	445	275	
Hunt - - - -	386	257	382	130	61
Jack - - - -	26	32	26	26	5
Jackson - - - -	74	115	86	92	
Jasper - - - -	216	161	233	137	
Jefferson - - - -	95	97	92	52	
Johnson - - - -	149	203	171	90	42
Karnes - - - -	121	143	147	50	58
Kaufman - - - -	249	219	252	195	
Kerr - - - -	33	20	36	12	1
Kinney - - - -					
Lamar - - - -	632	343	636	304	
Lampasas - - - -					
Lavaca - - - -	336	216	368	116	34
Leon - - - -	365	355	345	377	
Liberty - - - -	259	176	261	173	1
Limestone - - - -	352	193	350	195	
Live Oak - - - -	68	64	67	36	28
Llano - - - -	70	23	62	7	
McCulloch - - - -					
McLennan - - - -	260	291	269	282	
Madison - - - -	73	157	65	160	
Matagorda - - - -	148	12	146	7	
Maverick - - - -					

Medina - - - -	125	46	131	23	9
Milam - - - -	213	256	213	257	
Montgomery - - -	161	290	170	277	
Nacogdoches - - -	441	592	454	597	
Navarro - - - -	311	380	285	361	
Newton - - - -	130	128	127	111	
Nueces - - - -	247	120	265	96	2
Orange - - - -	55	116	72	70	26
Palo Pinto - - - -	47	34	60	10	5
Panola - - - -	469	243	462	215	
Parker - - - -	139	387	229	184	33
Polk - - - -	361	110	364	102	
Presidio - - - -					
Red River - - - -	398	327	410	305	
Refugio - - - -	108	59	141	12	5
Robertson - - - -	162	199	150	191	
Rusk - - - -	1,009	748	1,034	711	
Sabine - - - -	66	199	63	180	1
San Augustine - - -	162	194	172	180	
San Patricio - - -	36	15	35	2	9
San Saba - - - -	37	39	37	40	
Shelby - - - -	203	378	219	357	
Smith - - - -	828	558	830	544	
Starr - - - -	358	75	361	68	
Tarrant - - - -	317	335	374	196	61
Titus - - - -	509	415	503	416	
Travis - - - -	458	498	509	487	
Trinity - - - -	234	170	214	150	
Tyler - - - -	304	141	349	69	
Upshur - - - -	593	345	600	347	
Uvalde - - - -	25	32	24	9	22
Van Zandt - - - -	282	113	283	95	
Victoria - - - -	190	108	187	106	1
Walker - - - -	356	390	373	377	
Washington - - - -	643	548	687	488	
Webb - - - -	344	8	353		
Wise - - - -	59	137	74	89	3
Wharton - - - -	154	19	158	6	
Williamson - - - -	289	293	301	194	64
Wood - - - -					
Young - - - -	45	20	48	17	
TOTAL - - - -	32,552	23,628	33,379	20,318	878

Scattering, for Governor, 37.

H. R. Runnels having received the largest vote for Governor, and Frank R. Lubbock the largest vote for Lieut. Governor, they were declared by the Speaker duly and constitutionally elected for Governor and Lieut. Governor respectively of the State of Texas, for the next two years, commencing Dec. 21, 1857.

The Senate, headed by their President *pro tem*, then retired to their Chamber.

The Speaker then announced the following committees:

Committee on Rules—Messrs. Bee, Jennings, Locke, Ross, Wælder.

Committee to contract for the transmission of papers and other matter through the Post Office—Messrs. Johnson, Brown, Dennis and Lloyd.

On motion, the House adjourned until 9 o'clock to-morrow, A. M.

ATSTIN, Nov. 5th, 1857.

House met pursuant to adjournment—roll called quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Bee, Hon. Somers Kinney member elect from Nueces county, came forward, presented his credentials, took the oath of office and his seat.

On motion of Mr. Crook, Hon. M. D. Hart, member elect from Hunt county, came forward, presented his credentials took the oath of office and his seat.

PETITIONS.

Mr. Barnard presented a petition for a suppliment to the charter of the Aransas Road Company ; referred to Committee on Internal Improvements.

Mr. Gaston presented the petition of Jim Shumate ; referred to Committee on State Affairs.

Mr. McKinney of Travis, presented the petition of sundry citizens of the counties of Gillespie, Llano, Burnett and Hays ; referred to Committee on County Boundaries.

Mr. Mills presented the petition of Wm. Wallace Gordon, to be relieved from minority ; referred to Judiciary Committee.

Mr. Brown presented the petition of sixteen citizens of

Galveston protesting against the extension of the City limits ; referred to Committee on State Affairs.

BILLS AND RESOLUTIONS.

Mr. Wælder introduced a bill supplemental to and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company. Approved Sept. 5th 1850, and the several supplementary and amendatory acts concerning said Railroad ; read first time ; rule suspended, read second time, and referred to Committee on Internal Improvements.

On motion of Mr. Witt, Mr. Shelton was added to the committee on Private Land Claims.

Mr. Jennings offered the following Resolution :

Resolved, That the committee on printing be authorized to contract with the Proprietors of the State Gazette, for a sufficient number of the Tri-weekly Gazette to supply each member with ten copies ; said Tri-weekly to contain full proceedings of the Legislature and none other ; also the same number of copies of the Appendix, to contain the debates of the Legislature ; referred to committee on Printing.

Mr. Wood introduced a bill for the relief of the settlers within the Mississippi and Pacific Railroad reserve ; read first and second times and referred to committee on Public Lands.

Mr. Kittrell introduced a Joint Resolution to amend the State Constitution, so as to make the county school lands available ; read first and second times, and referred to committee on Education.

Mr. Chilton offered the following Resolution :

Resolved, That the Representative Hall be tendered to Hon. John Hemphill, for the purpose of the delivery of his eulogy upon the late Hon. Thos. J. Rusk, at such time as may suit the convenience of Judge Hemphill ; adopted.

Mr. Dennis introduced a bill supplemental to an "Act to incorporate the Colorado Valley Railroad company ; approved February 7th 1853, and to an act to amend the same ; approved January 27th 1854 ; read first and second times and referred to committee on Internal Improvements.

Mr. Shannon introduced a bill to authorize the county Clerk of Johnson county, to transcribe certain records ; read first and second times and referred to Judiciary committee.

Mr. Jennings introduced a bill for the relief of the Galveston, Houston and Henderson Railroad company, and in amendment of the act of incorporation thereof, and of the acts

amending the same and in addition thereto ; read first and second times and referred to the committee on Internal Improvements.

Mr. Price introduced a bill to legalize transcripts of Records of field notes in the Surveyors office of Fayette county ; read first and second times and ordered to be engrossed ; rule suspended read third time, and passed.

Mr. Reeves introduced a bill to authorize the county Clerk of Grayson county to transcribe certain records of Grayson county ; read first and second times and referred to Judiciary committee.

On motion of Mr. Crawford Mr. Navarro was added to the committee on Private Land Claims.

On motion of Mr. Henderson of H. Mr. Price was added to committee on Public Debt.

On motion of Mr. Kittrell, Mr. Powell was added to the committees on Judiciary and Penitentiary—and Mr. Holland of Austin to committee on State affairs.

On motion of Mr. Bee, Mr. Chilton was added to committee on Private Land Claims.

On motion of Mr. McKinney of T. Mr. Price was added to the committee on Privileges and Elections.

Mr. Shannon introduced a bill for the relief of the settlers within the limits of the Mississippi and Pacific Railroad reserve ; read first and second times and referred to committee on Public Lands.

Mr. Burnett introduced a bill amendatory of an act to authorize the settlement, location and sale of the seserve ; read first and second times and referred to committee on Public Lands.

On motion of Mr. Bee, Mr. McKenney of H. was added to committee on Internal Improvements.

Mr. Powell introduced a bill making certain parties plaintiffs to suits ; read first and second times and referred to Judiciary committee.

Mr. Walling introduced a bill to incorporate the Millville Male and Female Academy ; read first and second times and referred to committee on State Affairs.

On motion of Mr. Dalrymple, Mr. Upshaw was added to the committee on Internal Improvements.

Mr. Brown offered the following Resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the expediency of providing by law for a Geologi-

cal Survey of this State, and that they report by bill or otherwise as early as practicable ; adopted.

Mr. Crawford one of the committee on Engrossed bills, reported correctly Engrossed, a bill prescribing the manner of recording the vote for Governor and Lt. Governor ; report accepted.

Mr. Evans introduced a bill creating the 19th Judicial District, and prescribing the time of holding courts in the same ; read first and second times and referred to Judiciary committee.

Mr. Kittrell offered the following Resolution.

Resolved, That the committee on Education be instructed to enquire into the expediency of establishing two State Universities, and report by bill or otherwise ; adopted.

A message was received from the Senate through R. T. Brownrigg, assistant Secretary, announcing to the House the following substitute for the House resolution relative to the election of United States Senators.

Resolved, By the Senate, the House concurring, that the two houses will go into the election of two United States Senators on Monday the 9th inst., at 10, o'clock A. M. One to fill the vacancy caused by the death of Hon. Thos. J. Rusk, and one to fill the vacancy of Hon. Sam Houston whose term will expire March 4th 1859.

The hour having arrived for election of Chaplain the Speaker announced nominations as in order. Whereupon Messrs. Brown, Chilton, Wood, Doom, Ross, Dalrymple and Crawford, put in nomination Revs. Messrs. Baker, West, Clark, Shipman, Britton, Eldridge, and Bunting respectively. Messrs. Joseph, Locke and Kirk were appointed tellers. Mr. Rainey asked information relative to the politics of the respective nominees. Mr. McKinney of T. moved a recess of an hour, in order to ascertain the politics of the nominees ; on motion of Mr. Brown, laid on the table.

Mr. McKinney of T. then put in nomination Parson Henry Thomas of Travis county. Mr. Upshaw put in nomination Rev. James C. Wilson.

On telling the vote it appeared that Baker had received 18 votes, West 7, Clark 10, Shipman 6, Britton 7, Eldridge 1, Bunting 3, Thomas 2, and Wilson 9. No candidate having received a majority the House proceeded to a second ballot.

The names of the Rev. Messrs. Clark, Thomas, Shipman, Eldridge and Bunting were withdrawn.

On telling the vote it appeared that Baker had received

22 votes, West 11, Britton 7, Wilson 28, Blank 2, Snooks 1.

Neither candidate having received a majority of the votes, the House proceeded to a third ballot.

Mr. Burnett put in nomination Rev. Mr. King of Houston county.

Mr. Chilton withdrew the name of Rev. Mr. West.

On telling the vote, it appeared that Baker had received 23 votes, Britton 7, Wilson 36 King 3, Eldridge 1, West 2, and his Holiness the Pope 1.

Neither candidate having received a majority of all the votes cast, the House proceeded to a fourth ballot.

On telling the vote it appeared that Baker had received 23 votes, Britton 8 and Wilson 42.

Rev. James C. Wilson having received a majority of all the votes cast, was declared by the Speaker duly elected Chaplain of the House for the present session.

Mr. Crawford, Chairman of committee on Engrossed bills reported correctly engrossed, a bill to legalize transcripts of records of field notes in the Surveyors office of Fayette county; report accepted.

Mr. Wood introduced a bill authorizing the sale of the Public Domain by the issuance of land scrip; read first and second times and referred to committee on Public Lands.

Mr. Chilton offered the following Resolution:

Resolved, That the Judiciary committee, be instructed to report by bill, or otherwise, whatever amendments or changes is necessary in the Criminal Law of the State; adopted.

On motion of Mr. Jennings, Mr. Navarro was added to the committee on Judiciary. Mr. Runnels added to committee on Internal Improvements, and Mr. Merriman to the committee on Private Land Claims.

A communication relative to the Criminal Code, from the Judge of the 7th Judicial District, addressed to the Attorney General, and referred to the House, was taken from the Speaker's table, and on motion of Mr. Henderson of Harris, referred to Judiciary committee.

The following communication from his Excellency the Governor was then taken from the Speaker's table. (See next page.)

MESSAGE.

Gentlemen of the Senate,

and House of Representatives :

The pleasure experienced in meeting you on this occasion, is somewhat alloyed by the fact, that our usual prosperity has been interrupted, in some sections of the State, during the past two years, by a failure of crops caused by a drouth unexampled in the annals of the country. We have, however, abundant cause for congratulation, in the bountiful supply with which other sections have been favored, the remarkable health that has distinguished the past season, the continued increase of our population and the rapid extension of our settlements. These blessings should fill our hearts with devout gratitude to that Omnipotent Being whose power and goodness have been so remarkably manifested in our past history.

Many causes combine to render your present session one of unusual interest. You have assembled at a period when a large portion of the Union is laboring under financial embarrassments, that have suddenly depreciated the value of every description of property, and suspended, for a season, the operations of almost every branch of industry ; the cause of these embarrassments may be traced to the rapid increase of banks, that has taken place during the last few years of unusual prosperity, whose improvident issues of paper currency have

led to reckless speculation and an extension of credit beyond the reasonable demands of business.

Our State is but slightly affected by these calamities, and that we have, in a great degree, escaped them, is owing to the fact, that under our prohibitory legislation, no paper currency has ever been able to obtain a general circulation among us.

It is to be hoped that the present financial crisis and the causes that have produced it, will not be disregarded by those who are seeking to change our policy in regard to Banking.

In giving you a statement of the condition of our finances, it is gratifying to be able to communicate, that there has been a very considerable increase in the value of our taxable property during the past two years, though not so great as at some former periods. The total valuation of the assessment for the year 1856, was \$161,194,479 00, which produced an *ad valorem* tax of \$242,996 88. The poll tax for that year produced \$22,179 00, and the tax upon occupations and sales of merchandise \$29,037 91, making the entire tax, for that year, amount to about \$294,213 79, which was an increase of nearly eight per cent. over that for 1855.

The net revenue derived from this tax, after deducting the expenses for assessing and collecting, which amounted to about fourteen per cent., and the ten per cent. set apart by the Constitution, for schools, was \$229,289 53.

The total valuation for the year 1857, was \$183,594,205, which produced an *ad valorem* tax of \$276,901 54. The poll tax for the year produced \$24,225 00, and the tax upon occupations and sales of merchandise, \$26,536 34, making the entire tax, for the year, amount to about \$327,662 88, showing an increase of about eleven per cent. over that for 1856.

The net revenue produced by this tax, after deducting the expenses for assessing and collecting and the ten per cent. appropriated by the Constitution for schools, was about \$255,044 05.

Some of these figures may be slightly changed by the official reports, which are not yet completed.

It will be seen that the net revenue from taxation, for the two years of 1856 and 1857, was about \$484,333 58, which is about the same as the appropriations for the ordinary expenses of the government for those years, including the amounts appropriated for the support of the Insane Asylum, the Institutions for the education of the Blind, the Deaf and Dumb, and for the Penitentiary.

On the first day of the present month, the funds in the State Treasury, exclusive of the School Fund, amounted to \$1,230,000 00; but of this sum about \$470,000 00 are subject to be drawn, for the payment of appropriations heretofore made, so that the actual balance in the Treasury, applicable to future appropriations, is only about \$760,000 00.

The ordinary expenses of the government, during the next two years, will be considerably more than they were for the two past years. Several new Judicial Districts will have to be created for the accommodation of the newly established frontier counties; and certain costs in criminal prosecutions, which under the provisions of the Code of Criminal Procedure, are to be paid by the State, to clerks and sheriffs, will have to be provided for.

The probable amount that will be required to meet the ordinary expenses of the government, during the next two years, is about \$540,000 00. The funds now in the Treasury will be sufficient to pay these expenses, and all extraordinary appropriations that should be made at the present session; but if we rely on these funds alone, and release to the counties the taxes of the ensuing two years, as we have those of the last six, we shall find ourselves with an exhausted Treasury, during the succeeding two years of 1860 and 1861; for none of the taxes

of 1860 will be received into the Treasury until near the middle of the year 1861.

It has, therefore, become a matter of necessity that we shall now abandon that practice.

Should we hereafter retain the taxes for the use of the State, the *ad valorem* tax may safely be reduced, from the present rate of fifteen cents to ten cents on the \$100, and the poll tax from fifty to forty cents. It is true, that with this reduction, they will not produce a revenue sufficient to meet the ordinary expenses of the years 1858 and 1859, but whatever deficiency there may be, can be supplied from the funds now in the Treasury, and long before these funds will be exhausted in paying such deficiencies, and the extraordinary appropriations that will be required, the increased value of our taxable property will produce, at the reduced rates, an ample revenue to meet all our wants.

A thorough investigation of this subject has satisfied me that this reduction may be made and that we shall still have ample means to meet all appropriations here recommended, and all others that justice and sound discretion may dictate.

I cannot omit, on this occasion, calling your attention to the fact that justice has not been done to a portion of the creditors of the late Republic of Texas. Under the act of the Congress of the United States, providing for the payment of those creditors whose debts were secured by a pledge of the impost duties of the late Republic, which was accepted by the last Legislature, all those debts have been paid at the rate of seventy-six cents and nine-tenths of a cent on each dollar of their ostensible value, although they were classified and acknowledged by the State at different rates, varying from twenty to one hundred cents on the dollar. Among the debts so classified and acknowledged, were \$29,291 47 of ten per cent

bonds issued to Samuel Swartwout and others, for a loan obtained from them during the first year of our revolution, \$65,208 33 in the first issue of promissory notes made by the Republic, which were paid out by the government at par, and \$960,498 in ten per cent. bonds issued to the United States bank, for a loan obtained in the year 1839; the first two of which were classified and acknowledged at their ostensible value, and the last at eighty-seven cents and forty-five-hundredths of a cent on each dollar of its ostensible value. The holders of these debts received under the act of Congress, before referred to, only seventy-six cents and nine-tenths of a cent on each dollar of their ostensible value, and there is still justly due them the difference between what they so received, and what the State acknowledged to be due them, which amounts to \$123,217 56. These debts were among the most meritorious that were owing by the Republic, and they are the only ones that have not been paid at as high a rate as they were acknowledged. The holders of these debts were always willing to accede to the terms of payment proposed by Texas, but owing to the refusal of the other creditors to accede to these terms, they could not be paid. When our Legislature accepted the act of Congress, before referred to, the holders of these debts, acting on the principle that had previously governed them, of throwing no obstacles in the way to prevent us from settling the whole debt as we thought proper, readily acceded to it, received their pro rata, although much less than we had acknowledged to be due them, and signed releases.

When this matter was before Congress, it was objected to the bill, that these creditors would not receive as much under its provisions, as Texas had acknowledged to be due them, and to obviate this objection, that provision was inserted, by which the United States were to refund to us the amount we

had already paid on a portion of the debt, which it was supposed would be sufficient to enable us to make up to these creditors what they would lose by accepting the pro rata payment proposed.

We have received under that provision the sum of \$298,065 35, which is more than double the amount due to these creditors.

This whole subject was fully canvassed by the last Legislature, when the act of Congress was accepted, and a bill for the payment of these debts passed the Senate and received a very considerable majority in the House of Representatives, but it failed to become a law, owing to a decision of the House, in opposition to the opinion of the Speaker, that it required a vote of two-thirds to pass such a law. This decision was based upon the mistaken ground that, as the holders of these debts had signed releases, when they received their pro rata payment under the act of Congress, their claims were extinguished, and any further payment to them was a gratuity which could only be made by a two-third vote.

Whatever may be said in regard to the releases signed by these parties, the facts are undeniable; that we, by our legislation have acknowledged their debts to be justly due, that they have never been paid, that the situation of these creditors compelled them to sign those releases in order to obtain from the United States any portion of their debts, and that every other creditor of the Republic, whose debt was secured by a pledge of the impost duties, has been paid the full amount that the State acknowledged to be due him.

I have been thus minute in detailing the circumstances in relation to these claims, in order that the subject may be properly understood, for I feel that the honor and the reputation of our State require that they should be paid.

The reports of the State Treasurer, as Ex-Officio Superintendent of Common Schools, for the years 1856 and 1857, show that the principal of our School Fund has been increased to about two millions and two hundred thousand dollars, under the provisions of two laws of the last session, by which the ten-per-cent. of our annual revenue set apart by the Constitution for schools, and the proceeds of the sales of all public lands within the limits of the Mississippi and Pacific railroad reserve, are annually added to this fund:

Should these judicious provisions remain undisturbed, and a similar law be enacted, for the sale of our public lands in other parts of the State, the proceeds to be added to this fund, it will hereafter be increased over a hundred thousand dollars each year.

The number of scholars reported for the year 1856, was 72,826, and the amount disbursed for schools, from the income of the fund, was \$101, 588 00, being about one dollar and thirty-eight cents for each scholar.

The number reported for 1857 was about 87,000, and the amount disbursed from the income of the fund was \$106,000, being about one dollar and twenty-one cents for each scholar.

While the amended school law of the last session, has proved to be much more satisfactory to the people than the former law, many imperfections have been discovered in its details, that will require revision.

Your attention is particularly invited to the suggestions and recommendations contained in these reports. They are the results of the experience of the superintendent and others, in witnessing the practical operation of the present and former law, and are worthy of your serious consideration.

On former occasions, I have called the attention of the Legislature, to the importance of establishing a State University, where all the facilities can be furnished for obtaining a thorough education, that are to be found in other States ; and I feel that I should be wanting in duty, did I fail to urge this measure upon your consideration. No country was ever better situated to commence such an undertaking. We have ample means in the Treasury, not needed for other objects, with which to erect the necessary buildings ; and we have two hundred and twenty one thousand and four hundred acres of land already set apart by your predecessors for a University, the proceeds of which, if properly managed, will be a liberal endowment, and will enable us to command the services of the ablest professors in every department of learning.

The necessity for such an institution is felt and acknowledged by every one ; and I trust that you will not let this session pass, without adopting measures for its establishment at an early day.

The residue of the University Lands, to make up the fifty leagues, have been selected and surveyed in accordance with the provisions of an act of the last legislature.

But little progress has been made, under the act authorizing the University Lands, heretofore located, to be divided into quarter sections, and alternate tracts thereof, to be sold. Only two District Surveyors have made returns of their work to the General Land Office ; and one of these was so imperfect that it had to be sent back for correction. I have not thought it advisable to commence the sale of any of these lands, until all, that are situated in the same section of the State are ready for sale, under the law.

I transmit, herewith, the reports of the Trustees and Superintendents of the Institutions for the Education of the

Blind; and of the Deaf and Dumb. The small annual appropriations of five thousand dollars, made by the last legislature for each of these institutions have been sufficient to put them in operation, and to support them during the year. Many difficulties have been encountered by the Trustees in commencing and putting these institutions into successful operation, and great credit is due to them for having so disinterestedly given their time and labor without compensation, to the accomplishment of these benevolent enterprizes.

The education of these unfortunate classes of our population is no longer an experiment in this State. The former institution had on the 1st of October last, seven pupils, and the latter eleven, all of whom, under the judicious management and instruction of the superintendents and teachers, have made rapid progress, in the acquisition of knowledge, that has opened to their minds the divine truths of religion, given them a capacity for the enjoyment of life, they could not otherwise have obtained, and will fit them hereafter to become useful members of society.

Few establishments of the kind have been as successful in the first year of their organization, and this is to be ascribed to the assiduous and well-directed labors of the Trustees, and their good fortune in having secured the services of superintendents, who are well qualified and admirably adapted, from their education, disposition and habits, to the duties they have undertaken.

Buildings have been leased in the vicinity of this city, for the temporary use of these institutions, and I recommend that provision be made for the purchase of sites, and the erection of permanent buildings. The suggestions and recommendations contained in these reports, are commended to your con-

sideration, with full confidence that you will not fail to foster and encourage what has been so well begun.

Some delay occurred in the selection of a site for a Lunatic Asylum, in accordance with the provisions of a law of the last Legislature, owing to the fact, that one of the Commissioners first appointed, was unable to serve.

The Commission, as finally organized, consisted of Samuel Bogart of Colin county, E. F. Branch of Liberty county, and C. R. Johns of Hays county. They selected a site in the vicinity of this city, containing fifty acres, which cost twenty-five hundred dollars, two hundred and fifty of which were paid by the State, and the residue by the citizens of this place. A doubt afterwards arose in regard to the title obtained by the Commissioners, owing to the existence of an adverse claim to the land. This has since been removed by a release from Thomas J. Chambers, voluntarily executed.

Immediately after the selection of the site, the Building Commissioners turned their attention to the preparation of a plan for such an institution. At the outset, they found themselves embarrassed for want of proper information on the subject. Their investigations soon satisfied them that without the assistance of some one familiar with the treatment of insanity and the interior arrangement of Insane Hospitals, they could not have a suitable plan prepared. It was therefore deemed best, that a competent superintendent of the institution, should be appointed at once, and that the necessary buildings should be planned and erected under his supervision and direction.

Dr. John C. Perry, a physician, whose previous education and experience in similar institutions, render him well qualified for the station, was accordingly appointed, and is now engaged in the preparation of a plan and specifications for a sui-

table building, which will shortly be completed, when the Commissioners will proceed to contract for its construction, in accordance with the provisions of the law under which they act.

The four hundred thousand acres of land appropriated by the last Legislature for the Lunatic Asylum, the institutions for the education of the Blind and the Deaf and Dumb, and for an Orphan Asylum, were all selected within the limits of the Mississippi and Pacific Railroad Reserve, and entries of them were made in the proper land districts, before the 1st day of March last. A part of them were also surveyed before that day, and the residue have since been surveyed. These lands are believed to be as valuable as any that were vacant at the time. They are in a section of the State, which is now settling up rapidly, and where, if it is thought desirable, they may be sold for good prices, at an early period.

Application will be made to you, for relief, to those who settled upon public land, within the Mississippi and Pacific Railroad Reservation, between the 21st of December 1853 and the 26th of August 1856. It will be recollected, that under the provisions of the "act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve," all those who were then settled within it, upon public land, were required to pay to the Commissioner of the General Land Office, on or before the 1st of January 1858, fifty cents per acre, for their settlements, not to exceed one hundred and sixty acres.

Efforts will doubtless be made, to obtain from the State, a release of these lands, without any payment by the settlers. To understand the merit of their claim to this gratuity, reference should be made to the circumstances under which they entered the reservation. In December 1853, all the public

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nominal price. It is therefore desirable, that we shall now, before any interest has been created to favor such a misapplication of them, establish a price at which parties may enter and purchase them. We shall thus take away all pretext for trespassing upon them, and indicate in the most positive manner, our intention that they shall be applied in good faith, to education and internal improvements as was originally intended.

Under that provision, of the "act to authorize the location sale and settlement of the Mississippi and Pacific railroad reserve," which allows the Commissioner of the General Land Office, to issue land scrip, at fifty cents, per acre to be located within that reserve, he has since the 1st day of March last issued 57,710 acres.

If similar scrip were authoized to be issued and located upon any part of our public domain, it is believed there would be much demand for it, as land certificates are becoming exceedingly scarce, and their value has appreciated nearly to the price of scrip. Many would prefer purchasing such scrip, even if they pay more for it, as they thereby avoid all danger from the impositions and frauds so often practiced in the sale of certificates.

Should such scrip be authorized, none should be sold for a less quantity than eighty acres, and each piece of scrip ought to be located in a square form and in one place only, except in cases where previous surveys do not admit of it.

A law was passed by the fifth Legislature, by which the Governor was authorized to appoint a commissioner and Surveyor to run and mark the boundary line between our State and the Territories of the United States from the point at which it leaves Red River to where it intersects the Rio Grande, whenever the United States should appoint the necessary

officers on her part to join in the work : Immediately after this law was passed, a correspondence was opened with our Senators and Representatives in Congress who were requested to procure the passage of a law, for the appointment of the necessary officers on the part of the United States. They had the subject brought before Congress, but I am not aware that any final action has been taken upon it. Our citizens are now making Surveys of land along that line, and settlements will soon follow, it is therefore important that measures be taken to run the line, or at least to ascertain and mark on the ground, the point at which it leaves Red River, without the co-operation of the United States, should that be much longer delayed.

During the early part of the present year, information was received that many of the county courts, within the limits of what was known as Peters' Colony, were issuing land certificates upon illegal evidence, and to persons not entitled to them.

Commissioners were immediately appointed, under the authority vested in the Executive by the "act to ascertain the legal claims for money and lands against the State," who were instructed to examine the records of the county courts in all those counties, and to enquire into the manner in which they were kept, and make a full report, as early as convenient, in relation to all cases where these courts, or any of them, had violated the laws enacted for their government.

Some of the commissioners first appointed, having declined to serve, the organization of the Board was greatly delayed.

The commission as finally organized, consisted of H. G. Hendricks and James M. Head of Grayson county, and E. P. Nicholson of Dallas county. Their report has not yet been received, but may be expected at an early period of your

mission. When received it will be transmitted to you with such recommendations, as the nature and extent of the frauds disclosed, may seem to require.

The first annual report of the Board of School commissioners, organized under the "act to provide" for the investment of the special school fund in the bonds of Railroad companies incorporated by the State," is herewith submitted.

But two loans have yet been made by this board. One of one hundred and fifty thousand dollars to the Houston and Texas Central Railway company on the 13th day of April 1857, under which the bonds that constitute said fund were taken by the company at a premium of six per cent; that being the rate, at which they were then redeemed at the United States Treasury. The other was a loan of sixty thousand dollars to the same company, made on the 28th day of October 1857, under which, it is presumed that no premium will be obtained on the bonds, since it was understood here unofficially, on that day, that the United States had ceased redeeming them; a premium of five per cent was however retained, until advices can be received in regard to what premium, if any, they bore in New York, when the whole or such portion thereof, as may be right, will be returned.

The Buffalo Bayou, Brazos and Colorado company, applied some time since, for a loan of one hundred and fifty thousand dollars, and an Engineer was appointed to examine and report whether the condition of the road was such as to entitle the company to the loan, but no report has yet been received.

The operation of the law, authorising these loans, has not proved as advantageous to our railroad companies, as was anticipated by its advocates. The amount loaned under its provisions is not sufficient to afford them much relief, and they

cannot readily obtain a second loan after their road has been mortgaged to the State.

The means for grading, procuring the cross-ties and laying down the iron, can be raised, within the State, by most of our roads that are now making any progress, but the iron cannot be obtained without money, or such paper as can be readily converted into money; neither of these can be obtained from our own citizens for any great extent of road; few of them have any money or cash paper beyond what they require for their ordinary business, and those who have, find more certain and more profitable modes of employing it than investing it in railroad stock, or loaning it for a second mortgage on a railroad.

It is not believed that any aid, granted to our railroad companies, short of the means necessary to purchase their iron, will enable them to prosecute their roads with a rapidity that will meet public expectation.

Notwithstanding this belief, I am not disposed to recommend the substitution of any other system for giving aid by the State, in the construction of railroads, than that now pursued, while we retain in our Constitution its present restrictions upon the power of the Legislature, in regard to the subject of internal improvements.

The present system was adopted after mature deliberation, and seems to be satisfactory to the great majority of our citizens; it is perhaps as good as any we can adopt without a change of our Constitution; it enables a few companies to struggle along and accomplish something, though it is much to be feared that the present embarrassed situation of the money market will prevent, even these companies, from making any progress during the next two years beyond the completion of such contracts as have already been entered into.

Much complaint is made of that provision of this law which

requires a company to have ~~twenty-five~~ miles graded, in advance of ~~that~~ which has been completed, before it is entitled to a loan upon any section of completed road, though this provision is believed to be the best security the State has for the re-payment of the loan, since no road can be completed and equipped, twenty-five miles in length, with an additional twenty-five miles graded, at a cost of much less than three hundred and sixty thousand dollars in actual money; and such an amount cannot be raised and invested in a railroad, at any point in the State, where there is not a certain prospect of obtaining sufficient business to make the road undoubted security for a loan of one hundred and fifty thousand dollars.

While it is not thought advisable to change this provision, there would seem to be no good reason why a company that has received a loan upon twenty-five miles of completed, and twenty-five miles of graded road, should not receive a further loan upon each additional section of five or ten miles that it may complete, without being required to make any additional grade in advance.

Such of our railroad companies as have invested any considerable amount in their roads, but have failed to comply with all the requirements of their charter, or of our laws, for the encouragement of their construction, in regard to time, should be allowed a reasonable extension in all cases, where they are not possessed of powers and privileges which are not given to all other companies. But where they are possessed of such powers and privileges, an extension should be granted only on condition that the company consents to such restrictions of its powers and privileges as experience has shown to be necessary for the protection of the rights and interests of the State or any of its citizens.

It is much to be regretted that we did not at first, adopt

the principle of granting to all our railroad companies, similar powers and privileges; if we had, there never would have been any inducement for besetting the Legislative halls with applications for extraordinary favors.

If we would now remove this inducement we ought, as early as possible, to bring all railroad charters to the same standard; this we can easily do, as companies apply for relief; for there are few, if any, that will not require it.

Before dismissing the subject of railroads, I wish to call your attention specially, to the 12th section of the "act to encourage the construction of railroads in Texas, by donations of land" by which those roads whose terminus is on the Gulf coast, the Bays thereof, or on Buffalo Bayou, are subjected to a provision, that requires the construction of twenty-five miles of their road, within two years after the passage of their charter, and twenty-five miles each year thereafter. No good reason can be assigned why these roads should be subject to such a provision, when all other roads in the State are exempt from it; it has hitherto caused them much inconvenience and embarrassment, and will continue greatly to retard their progress.

The reports of the Directors, Superintendent, Financial Agent and Physician of the State Penitentiary are herewith submitted for your consideration. Its affairs appear to have been well managed. For something over a year, a large portion of the convicts have been employed in the manufacture of cotton and woollen goods, which have found a ready sale and the results are highly encouraging. It is confidently expected, by the officers, that the Penitentiary will hereafter be able, with the labor of the convicts, not only to support itself, but to yield some profit to the State, instead of requiring an annual appropriation of about twenty thousand dollars.

You will find in these reports much useful information in

regard to its management, and many suggestions and recommendations worthy of your attention.

The Penal Code adopted by the last Legislature, has now been in force nearly a year; and its practical operation has shown some omissions that should be supplied, and some imperfections that should be amended. The general principles upon which it was framed are such as should commend themselves to public favor. It contains within a small compass, and in intelligible language, suited to the comprehension of the most ordinary capacity, the whole criminal law of the State. I am apprised that it has not escaped severe censure; but it will be found that those who have condemned it the most, are often those who have not thoroughly studied its provisions, and that many parts of it, which are a subject of complaint, are but the re-enactment of provisions of the common law, that were in force here when the Code was adopted.

The most salutary changes in the law often meet with opposition, until the community, for whom they are designed, become accustomed to their operation; and it is believed that if this Code had been tried for two years, instead of one, very few, if any, could be found to favor its repeal.

The report of the Attorney General which is submitted herewith, contains many valuable suggestions in relation to the Penal Code and the Code of Criminal Procedure, which are commended to your favorable consideration.

The reports of the present and former Commissioner of Claims, will be presented to you in a few days, with a special message in regard to the operations of that office, and such changes as experience has shown to be necessary in the law governing its business.

It devolves upon you, at your present session, to make provision for an enumeration of the free inhabitants and

electors of the State, under the provisions of the 29th Section of the 3rd Article of the Constitution, preparatory to a new apportionment of Senators and Representatives, to be made at the succeeding session. If you were to require this enumeration to be made, by the Assessor and Collector of each County, at the same time, that he takes the census of our scholastic population, it would add but little to his labor and could be done for a small additional compensation.

In making each of our former apportionments, the inhabitants and electors of many counties, from which no enumeration had been returned, had to be estimated from the best data that could be obtained. To prevent a recurrence of this inconvenience, such a penalty for a failure to perform the duty, should be imposed upon those intrusted with it, as will insure a prompt return from every county in the State.

I would suggest the propriety of requiring the Assessors and Collectors, while making this enumeration, to obtain as accurate information as possible, in regard to the quantity of land in cultivation, and the value of our agricultural, mechanical and manufacturing productions, for the preceding year. In this way, without much expense, valuable information could be obtained, which would be highly useful, not only to our own citizens, but to those of other States and Countries who are desirous of selecting a home among us.

The attention of your predecessors has frequently been directed to the importance of having a Geological Survey of the State. Public opinion demands that this measure shall no longer be delayed.

The amendment to the Constitution, proposed by the last Legislature, by which the Governor was to be authorized to make temporary appointments to fill vacancies in the offices of Judge of the Supreme and District Courts, Attorney Gen-

eral, District Attorney, Comptroller of Public Accounts, Treasurer of the State, and Commissioner of the Land Office, until they could be filled by the people at a general election, was published and submitted to the electors at the last August election, in accordance with the requirements of the Constitution. But I regret to inform you that it was lost by the failure of a large number of electors to vote upon it.

• You are aware that to adopt an amendment to the Constitution, it must receive a majority of the votes of those who vote for Representatives. The entire vote given for Representatives, at the late election, so far as it can be ascertained, from the returns made to the Secretary of State, was 48,700, several counties having failed to make any return of the votes for Representatives; only 29,858 of that number voted on the amendment, of whom 18,756 voted for, and 11,102 against it. So that, including those who voted against it with those who failed to vote, 29,944 must be counted as against the amendment, while but 18,756 voted for it.

The result of the vote upon this salutary amendment, against which no reasonable objection could be offered, and against which no strong opposition was manifested, shows that, owing to the indifference with which a great number of our electors treat such questions, it will be exceedingly difficult ever to adopt an amendment to the Constitution, strictly in accordance with its provisions, however desirable it may be, and has deterred me from recommending for your consideration any of those amendments heretofore urged upon your predecessors.

This result also induces me to suggest the propriety of your causing the opinion of the electors of this State to be taken at the next August election, whether a convention should be called to amend the Constitution.

The situation of the State has changed so materially since our Constitution was framed, that in many important particulars, it requires radical amendments to adapt it to our present wants. Then we had but thirty-six counties, and only about one hundred and fifty thousand inhabitants—now we have one hundred and sixteen counties, with a population of more than half a million, scattered over nearly three times the extent of country they then occupied. Greater changes have occurred here, in a period of twelve years, than usually happen during several generations in older communities, where it is found necessary for each succeeding generation to revise their Constitution.

You will receive, herewith, a copy of the proceedings of the Governor, State Engineer and Comptroller, in discharge of the duty imposed on them, of making an apportionment of the appropriation for the improvement of the navigation of the rivers and other navigable waters of the State. This paper contains a statement of the amount of the fund that was assigned to each navigable stream or Bay, for which private subscriptions were made and returned within the time limited by the law.

A full and detailed report of the operations of the State Engineer is expected in a few days, which will be laid before you with a report of the acts and proceedings of the Executive in relation to the fund.

Your attention is invited to the propriety of making a change in the fiscal year, so as to have it end on the 31st day of August. It now ends on the 30th day of October, and it is impossible for the reports of the Comptroller, Treasurer and Commissioner of the General Land Office, to be made out and transmitted to the Legislature, until it has been sometime in session. The consequence is, they are not usually print-

ed in time for distribution, before the adjournment takes place.

The business of the Legislature might be greatly facilitated by the passage of a law, requiring all Public Officers, Boards and Institutions, whose duty it is to report to the Legislature or Governor, to include in such reports, all transactions for the year ending on the 31st day of August, and transmit them to the Secretary of State on or before the 1st day of October, whose duty it should be to have them printed and laid before the Legislature at the commencement of the session. A similar practice is found to work well in many of the States.

The State ought to be able, at all times, to supply its officers with all its statutory laws. This it has been unable to do for some years past, owing to the fact, that those of the first and second Legislatures and of several sessions of the Congress of the Republic are entirely out of print. Provision should be made for a reprint of all the general laws both of the Republic and State, and the edition should be sufficiently large to supply our future wants.

Measures have been taken for the commencement of a Library for the State; a law of the last Legislature having appropriated five thousand dollars for that object, to be expended under the direction of the Governor. In the selection of books, care has been taken to order all such as might be useful to the Legislature and those engaged in the other departments of the government. Some of the books have been received and others will probably arrive before the close of your session.

An appropriation will be required for fitting up the Library room, and provision should also be made for a Librarian.

Our frontier counties have not been entirely exempt from Indian depredations during the past two years, though such occurrences have not been as frequent as at former periods.

Bvt. Maj. Gen. Twiggs, who is now in command of this Department, has done every thing in his power to give entire protection to our citizens ; but the force under his command is altogether too limited. I am assured that he has already applied for such an increase of force as will be adequate to that object, and that if no troops from other Departments can be sent here, he is desirous that a regiment of mounted men from this State shall be called into service for one or two years, and will give his co-operation in obtaining the sanction of Congress to such a measure.

The recent outrages committed upon persons engaged in transporting Merchandise on the public highway, in some of our western counties, as well as the measures adopted by the Executive to prevent a recurrence of them, will be made the subject of a special Message, that will be sent in at an early day of the Session.

Our relations with the Federal Government, and with the different States composing it, are a subject of deep anxiety to every patriot. The rapid strides made in the last few years, by a party in the Northern States, organized with the avowed object of endeavoring to effect the abolition of slavery as it now exists in fifteen States and some of the territories, has very justly excited fears for the perpetuity of the Union. Such movements tend inevitably to destroy that harmony which should exist between different parts of the same nation, and cannot fail, if persevered in, to produce the most disastrous results. The people of Texas are attached to their domestic institutions ; they ask nothing for them, from the Federal Government, but those rights guaranteed by the Constitution, and any infringement of these rights will never be submitted to.

The threatening aspect this subject assumed during the last year, has been changed for the present, by the result of the

late Presidential election. We have every reason to expect that during the continuance of the administration of our present Chief Magistrate, the rights of the South will receive that protection guaranteed by the Constitution, since his policy, thus far, as indicated by his official acts, conforms to the principles upon which he was elected.

We have been called, during the past year, to mourn the death of several citizens holding important official stations. I allude to Judge Webb of the 14th Judicial District, Judge Lipscomb of the Supreme Court, and Gen. Rusk, one of our Senators in the Congress of the United States.

The two former had occupied high judicial stations before their removal to this country. They participated largely in the public affairs of both the Republic and State of Texas, and enjoyed a high degree of public confidence. Both were taken from us in the midst of their usefulness while actively engaged in their judicial duties. Their virtues and their public services will ever keep them in grateful remembrance.

Gen. Rusk had been an important actor in all the prominent scenes of the eventful history of our Republic. Often called to places of high trust in the field and in her councils, he proved himself equal to every emergency. When called to a more extended field of usefulness, he established for himself a reputation in the councils of the nation that placed him in the first rank of statesmen, and reflected lustre upon the State to whose service his life had been devoted.

My connection with you, as a co-ordinate department of the government, must necessarily cease before much of the important business of your session will have been matured; but during the short period of our association, it will give me pleasure to co-operate with you in all measures of legislation that the welfare of our citizens may demand.

The present situation of our State is well calculated to excite the most flattering hopes in regard to its future destiny, and I scarce need add, that it imposes a high individual responsibility upon those who are entrusted with the direction of its public affairs. It is my ardent prayer that we may, under the favor of Providence, be able to acquit ourselves of that responsibility, in such a manner as will meet the approval of our mutual constituents.

I cannot close this communication, the last of the kind I shall have the honor to make, without tendering, through you, to the people of Texas, my sincere gratitude for the many evidences I have received of their confidence, and for the uniform indulgence they have extended to my official acts. In retiring from the responsible station with which they have twice honored me, the only regret I shall feel, will be, that I had not the power to serve them as well as my inclination prompted.

E. M. PEASE.

EXECUTIVE DEPARTMENT, Nov. 2, 1857.

Mr. Wood offered the following Resolution:

Resolved, That the committee on State Affairs, be instructed to enquire into the expediency of reducing the State taxes, and to report by bill or otherwise at their earliest convenience; adopted.

Mr. Witt introduced a bill to authorize Thos. Wright to erect a Mill on and construct a dam across the West fork of Trinity river in Dallas county; read first and second times and referred to committee on State Affairs.

Mr. Kittrell offered the following resolution:

Resolved, That the Chief Clerk be instructed to inform the Rev. James C. Wilson of his election as Chaplain of the House and request his acceptance of that position; adopted.

On motion of Mr. Aycock, Messrs. Evans, Shannon and Reeves were added to the committee on Public Lands.

Mr. Mills offered the following resolution:

Resolved, That such portions of the Governor's Message as relate to subjects within the appropriate province of any of the Standing committees of the House, be referred to the same

respectively, with instructions, to report by bill or otherwise; adopted.

On motion of Mr. Brown the Senate's substitute for the resolution of the House, relative to the election of United States Senator, was taken up and on motion of Mr. Lee postponed until 11 o'clock A. M. to-morrow.

Mr. Chilton offered the following resolution:

Resolved, That the Judiciary committee be instructed to prepare and report a bill, to enforce the moral observance of the Sabbath day.

Mr. Aycock moved to amend by striking out the word "moral; lost.

The question recurring upon the adoption or rejection of the resolution, and the yeas and nays being called for, the resolution was adopted by the following vote ;

YEAS.—Messrs. Speaker, Aycock, Bee, Burnett, Carroll, Chance, Chilton, Cleveland, Collier, Craig, Crawford, Crook, Dennis, Doom, Evans, Everett, Fisher, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Higgins, Holland of Austin, Holland of Panola, Jennings, Johnson, Joseph, Kirk, Kittrell, Lacy, Lee, Lewter, Locke, Lloyd, Merriman, Mills, Navarro, Norton, Powell, Price, Rainey, Rhodes, Roberts, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Walling, Waterhouse, Witt, and Wood—57.

NAYS.—Barnard, Bishop, Brown, Cooley, Dalrymple, Edwards, Hardin, Henderson of Harris, Hicks, Kinney, McKenney of Hopkins, McKinney of Travis, Reeves, Rogers, and Ross—15.

Mr. Holland of Austin, offered the following resolution :

Resolved, That the Committee on Education be instructed to enquire into the expediency of changing the present common school system, of the State in any particular, and report thereon by bill or otherwise; adopted.

On motion of Mr. Lee, the use of the Hall was tendered to Judge Hemphill, to deliver a eulogy upon the late Hon. Thos. J. Rusk, at 3 o'clock, P. M., to-morrow.

Mr. Kittrell introduced a bill appropriating fifteen thousand dollars to pay the contingent expenses of the 7th session of the Legislature.

Read first and second time and ordered to be engrossed; rule suspended read third time and passed by the following vote :

YEAS.—Messrs. Speaker, Aycock, Barnard, Bee, Bishop, Brown, Burnett, Carroll, Chance, Chilton, Cleveland, Cullier, Cooley, Craig, Crook, Dalrymple, Dennis, Edwards, Evans, Everett, Fisher, Gaston, Hardeman, Hardin, Harris of Guadeloupe, Harris of Titus, Harrison, Hart, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Holland of Austin, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Lee, Lewter, Locke, McKenney of Hopkins, McKinney of Travis, Merriman, Norton, Powell, Price, Rainey, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shelton, Smith of Orange, Smith of Fannin, Tait, Upshaw, Walling, Witt and Wood.—64.

Mr. Hart, introduced a bill to repeal an Act Supplemental to an Act for the relief of the citizens of Mercer's Colony passed 2d February, 1850, approved 30th August 1856; read first and second times and referred to the Committee on Public Lands.

On motion of Mr. Chance, Mr. Lesueur, was excused from attendance on the House on account of indisposition.

On motion the House adjourned until 9 o'clock, A. M., tomorrow.

AUSTIN, Nov. 6th, 1857.

House met pursuant to adjournment—roll called, quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Henderson of H., presented the petition of Fred Martin, Elias Benson, and E. J. Felder; referred to committee on Military Affairs.

Mr. Roberts presented the petition of sundry citizens of Shelby county; referred to committee on Public Lands.

Mr. Dalrymple presented the petition of J. S. Miny; referred to committee on State Affairs.

Mr. Johnson, Chairman of a select committee, to contract for the transmission of mail matter, made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

Your Committee who were instructed to contract, with the Post Master of this place, for the transmission of papers and

documents through the mails, the expenses to be charged to the contingent fund of the House, have performed that duty; having contracted with the Post Master for that office to open an account with the House, stamp all documents sent by members as paid, and the same to the current account; the mail matter to be delivered by the Messenger to the Post Master.

The committee have also contracted with the Post Master for a supply of pre-paid envelopes, and postage stamps for the use of the members; subject to the approval of the House. All of which is respectfully submitted; report adopted.

Mr. Brown, Chairman of committee on County Boundaries, reported as follows:

The committee on County and City Boundaries to whom was referred the petition 227, of the electors of Angelina county, praying for the location of their county site, have carefully considered the same with all the facts submitted, and unanimously instruct me to report the accompanying bill and recommend its passage. Report read, and bill read first time.

On motion of Mr. Everett, the report and accompanying bill were taken up; bill read second time and ordered to be engrossed. Rule further suspended, read 3rd time and passed.

Mr. Locke introduced a joint resolution to change the Constitution so as to allow appeals from the Justices Court to the District Courts; read 1st time.

Rule suspended, read 2nd time and referred to Judiciary committee.

Mr. Johnson, one of the committee on engrossed bills, reported correctly engrossed a bill appropriating fifteen thousand dollars to defray the expenses of the 7th Legislature; report accepted.

Mr. Wælder introduced a bill donating two leagues and two labors of land, to Dennis Mead and Rich'd. Mead.

Read 1st and 2nd times and referred to committee on Claims and accounts.

Mr. Dennis introduced a bill to admit Wm. H. Burkhart to practice Law in the courts of this State; read 1st and 2nd times and referred to Judiciary committee.

Mr. Brown introduced a bill to revise the statutes of this State; read 1st and 2nd times and referred to Judiciary committee.

Mr. Barnard introduced a bill to legalize surveys made in Karnes Land District; read 1st time—rule suspended, read

2d time and ordered to be Engrossed—rule further suspended
read 3rd time and passed.

Mr. McKinney of Travis, offered the following resolution:

Resolved, That it is the sense of this House that there exists no necessity during the present Session of electing a U. S. Senator to succeed Gen. Houston.

On motion of Mr. Waelder, laid on the table by the following vote:

YEAS.—Messrs. Speaker, Aycock, Barnard, Bishop, Brown, Burnett, Carroll, Chance, Chilton, Cleveland, Cooley, Craig, Crook, Dalrymple, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison Hart, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Holland of Panola, Howerton, Jennings, Johnson Joseph, Kirk, Kittrel, Lacy, Lee, Lewter, Locke, Lloyd, McKenney of Hopkins, Merriman, Mills, Powell, Rainey, Reeves, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Orange, Upshur, Waelder, Walling, Witt, and Wood—65.

NAYS.—Messrs. Holland of Austin, McKinney of Travis, Norton, Price, Rhodes, Roberts, and Waterhouse—8.

Mr. Rainey introduced the following resolution:

Resolved, That the House, with the concurrence of the Senate, proceed to the election of a United States Senator to succeed the Hon. Sam Houston on the first Monday in December next.

On motion of Mr. Locke, laid on the table by the following vote:

YEAS.—Messrs. Bishop, Brown, Carroll, Chance, Cleveland, Cooley, Craig, Crook, Dalrymple, Dennis, Doom, Evans, Fisher, Gaston, Hardin, Hart, Haynes of Washington, Hicks, Higgins, Holland of Austin, Holland of Panola, Howerton, Jennings, Joseph, Kittrell, Locke, Lloyd, McKenney of Hopkins, Merriman, Mills, Norton, Powell, Reeves, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Tyler, Smith of Orange, Tait, Upshur, Walling, and Witt—47.

NAYS.—Messrs. Speaker, Aycock, Barnard, Chilton, Collin, Crawford, Edwards, Everett, Hardeman, Harris of Titus, Harrison, Haynes of Starr, Henderson of Cass, Henderson of Harris, Johnson, Kinney, Lacy, Lee, Lewter, McKinney of Travis, Navarro, Price, Rainey, Waelder, Waterhouse, and Wood—27.

Mr. Chance offered the following resolution:

Resolved, That the House, with the concurrence of the Senate, go into the election of a Commissioner of the Court of Claims to-morrow (Saturday) at ten o'clock; laid on table.

Mr. Dennis offered the following resolution:

Resolved, That the Judiciary committee be instructed to examine and report by bill or otherwise, such amendments as they may deem necessary, to "an Act to ascertain the legal claims for land and money against the State, passed August first, 1856; adopted.

Mr. Waelder, by leave, presented the petition of the citizens of Corpus Christi, upon the subject of Aransas and Corpus Christi Bay Improvements; referred to committee on Internal Improvements.

Mr. Price offered the following resolution:

Resolved, That the Judiciary committee be requested to enquire into the expediency of so amending, abridging and condensing, the Probate Laws of this State as to make them of more practical utility; and report the result of their investigation by bill or otherwise; adopted.

Mr. Chilton offered the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into, and report to this House by bill or otherwise, the expediency of continuing longer the Court of Claims established by the last Legislature; adopted.

Mr. Collier introduced a bill for the relief of pre-emption settlers; read first and second times and referred to committee on Public Lands.

On motion of Mr. Locke, the vote passing a joint resolution relative to allowing appeals from Justices Courts to the District Court, to a second reading, was re-considered and joint resolution put upon a second reading.

Mr. Bishop introduced a bill definitely defining the Northern Boundary line of the Mississippi and Pacific Railroad Reserve; read first and second times and referred to committee on Public Lands.

On motion of Mr. Henderson of Harris, the House proceeded to take up the business on the Speaker's table and orders of the day.

A bill for the relief of the creditors and colonists of the German Emigration Company was taken up; read second time and referred to committee on State Affairs.

Mr. Powell introduced a bill to authorize the location, sale and entry of the public domain of the State; read first and second times and referred to committee on Public Lands.

Mr. Rainey offered the following resolution:

Resolved, That the Committee on Public Lands be requested to enquire into the propriety of limiting the location of land certificates, and report by bill or otherwise, at the earliest practicable moment.

The substitute of the Senate to a resolution of the House relative to the time of electing United States Senators, was taken up.

Mr. Brown moved the adoption of the substitute.

Mr. Rainey moved to lay Mr. Brown's motion on the table. Lost.

The question recurring upon the adoption of the substitute, the yeas and nays were demanded, and the substitute adopted by the following vote:

YEAS—Messrs. Aycock, Barnard, Bishop, Brown, Burnett, Carroll, Chance, Cleveland, Collier, Craig, Crook, Dalrymple, Dennis, Doom, Evans, Everett, Gaston, Harris, of Titus, Harrison, Haynes, of Washington, Hicks, Higgins, Holland, of Panola, Howerton, Jennings, Johnson, Joseph, Kittrell, Lacy, Lewter, Locke, Lloyd, Merriman, Mills, Norton, Powell, Reeves, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith, of Fannin, Smith, of Orange, Tait, Upshaw, Wælder, Walling, and Witt—51.

NAYS—Messrs. Speaker, Chilton, Cooley, Crawford, Edwards, Hardeman, Harris, of Guadalupe, Hart, Haynes, of Starr, Henderson, of Cass, Henderson, of Harris, Holland, of Austin, Kinney, Kirk, Lee, McKinney, of Travis, Navarro, Price, Rainey, Rhodes, Waterhouse, and Wood—22.

The Speaker announced the following standing committees:

COMMITTEE ON FINANCE.

Chilton, Chairman, Mills, Norton, Carroll, Everett, Rhodes, and Hart.

COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Lewter, Chairman, Walling, Gaston, Locke, Crawford, Holland, of Panola, Reeves, Waterhouse, and Lacy.

On motion of Mr. Reeves, Mr. Bishop was added to the committee on Public Lands.

On motion of Mr. Shannon, Mr. Harrison was added to the committee on Public Lands.

On motion, Mr. Crawford was excused from attendance on the committee on roads, bridges and ferries.

On motion of Mr. Burnett, Mr. Smith, of Fannin, was added to the committee on Privileges and Elections.

On motion of Mr. Witt, Mr. Crook was added to the committee on Internal Improvements.

By leave, Mr. Aycock introduced the following resolution:

Resolved, That the committee on Finance be instructed to enquire into the expediency of amending the revenue laws of this State, so as to secure an equal and just assessment of the value of lands. *Adopted*.

By leave, Mr. Walling introduced an Act to constitute William Mayfield a legal heir of Jesse Mayfield.

Read first and second times, and on motion of Mr. Wælder referred to the committee on the Judiciary.

On motion of Mr. Hardeman, Mr. Lee was added to the committee on Private Land Claims.

Mr. Bee presented the petition of Nathan G. Allen; referred to the committee on Claims and Accounts.

By leave, Mr. Burnett introduced a Bill to be entitled an Act, amendatory of an Act, to authorise the location, sale and settlement of the Mississippi and Pacific Railroad reserve &c.

Read first and second times and referred to the committee on Public Lands.

Mr. Brown offered the following resolution:

Resolved, That there shall be printed for the use of the House 10,000 copies of the Governor's Message and 2,000 copies of the Reports of the several Heads of the Departments; also, two hundred copies of the Penitentiary Report for the use of the House, and two hundred copies additional, to be printed on good paper, with covers, for the use of the institution.

Resolved, That the committee on Printing be instructed to have translated and printed in the German and Spanish languages 1,000 copies of the Governor's Message for the use of the House.

Mr. Wælder moved to fill up the blanks as follows:

10,000 copies in English, 1,500 in German, and 1,000 in Spanish, of the Governor's Message. *Carried*.

Mr. Norton moved to amend, by inserting—"And that 500 copies of the Governor's Message be printed in the Norwegian language. *Lost*.

The resolution as amended, was then adopted.

Mr. Mills, by leave, introduced the following resolution:

Resolved, That 500 copies each of the Reports of the District Judges concerning amendments to the Code of Procedure and the Revised Statutes, be printed for the use of the House.

Mr. Wælder moved to strike out "Revised Statutes" and insert "Penal Code"—carried, and resolution as amended adopted.

Mr. Rainey, by leave, introduced the following resolution, which was adopted:

Resolved, That the committee on Public Lands be, and they are hereby requested to enquire into the expediency of having the public domain of Texas surveyed and sectionized, and that they further enquire into the propriety of exposing said domain to sale, and that said committee report by Bill or otherwise, at the earliest convenient period.

Mr. Wælder gave notice, that on to-morrow he would move a re-consideration of the vote accepting the Senate's substitute to the resolution of the House relative to the election of U. S. Senators.

On motion of Henderson, of Harris, the House adjourned until 9 o'clock, A. M. to-morrow

AUSTIN, NOVEMBER, 7th 1857.

House met pursuant to adjournment—roll called, quorum present—journal of 6th inst., read and adopted.

On motion Messrs. Burks of Red River, Baldwin of Harrison and Ward of Cass and Titus, members elect came forward presented their credentials, took the oath of office and their seats.

PETITIONS.

Mr. Henderson of Harris, presented the petition of James Strange; referred to committee on State Affairs.

Mr. Shannon presented the petition of sundary citizens of Johnson county; referred to committee on Public Lands.

Mr. Doom presented the petition of John Jackson and other citizens of Sabine county; referred to Judiciary committee; also the petition of 84 citizens of Sabine county; referred to committee on Public Lands. And the petition of the citizens of Jasper county; referred to committee on Public Lands.

Mr. Carroll presented the petition of Henry Cook; referred to committee on Claims and Accounts.

Mr. Walling presented the petition of Mrs. Whitesides; referred to committee on Private Land Claims.

Mr. Carroll presented the petition of Florinda Dixon; referred to committee on Private Land Claims.

Mr. Ross, Chairman of the committee on Privileges and Elections, made the following report.

HON. WM. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Privileges and Elections to whom was referred the contested election between Robt. J. Clow and Benj. J. White, claiming a seat in this House as Representatives from the counties of Jackson and Calhoun, have examined the subject and find that owing to the non receipt of the returns from Calhoun County by the Chief Justice of Jackson county, that officer on the 24th day of August issued the certificate to Mr. White who had the largest vote in Jackson county; but on the same day the Chief Justice received the returns from Calhoun county, by which Mr. Clow was shown to have a clear majority in the District of 54 votes. The committee therefore instruct me to report the accompanying resolution and recommend its passage.

Resolved, That Robt. J. Clow is legally entitled to a seat in the House of Representatives as a Representative from the counties of Jackson and Calhoun in the present Legislature.

Mr. Brown proposed to amend the resolution as follows.

Resolved, That Benj. J. White, late claimant of a seat in this House, from the counties of Jackson and Calhoun, be allowed the usual mileage and per diem pay to this date, and that the Chief Clerk be instructed to draw a certificate in favor of Mr. White accordingly; adopted.

The report and resolution as amended adopted.

Mr. Crawford, Chairman of the committee on Engrossed Bills, reported correctly engrossed, a bill to legalize surveys made in Karnes Land District; accepted.

On motion of Mr. Doom, Mr. Cleveland was added to the committee on Public Lands.

Mr. Wælder offered the following resolution:

Resolved, That the committee on printing be instructed to contract for the translation and printing of 500 copies in the German and 500 copies in the Spanish language of such portions of the reports accompanying the Governor's message, as contain general information, omitting therefrom the tabular statements; adopted.

Mr. Lee offered the following resolution:

Resolved, That the committee on printing be instructed to contract for twenty copies of the State Gazette, twenty copies of the Southern Intelligencer, and twenty copies of the State Sentinel for each member of this House; adopted.

On motion of Mr. Wælder, Mr. Cooley was added to the committee on Education.

Mr. Price introduced a bill to authorise the Clerk of the District Court of Fayette county, to transcribe certain records therein named; read first time.

A message was received from his Excellency the Governor.

Mr. Clow, member elect from Jackson and Calhoun came forward took the oath of office and his seat.

On motion of Mr. Chilton, Mr. Baldwin was added to the committee on Education.

On motion of Mr. Henderson of Harris, Mr. Clow was added to the committee on Internal Improvements, State Affairs and Military affairs.

Mr Witt introduced a bill to authorize the Clerk of the County Court of Dallas County to transcribe certain records; read first time.

Mr. Harrison introduced a bill to amend an Act regulating attachments, approved March 11th., 1848; read first time.

Mr. Hart introduced a bill to prevent unlawful stock from running at large; read first time.

Mr. Evans introduced a bill to amend an Act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve, approved August 26th A. D. 1856; read first time.

Mr. Price introduced a bill, to authorize the Clerk of the county court of Fayette county, to transcribe certain records; read first time.

On motion of Mr. Henderson of Harris, Mr. Upshaw was excused from attendance on the House on account of indisposition.

Mr. Brown offered the following resolution:

Resolved, That there shall be raised, a standing committee, consisting of the usual number, on Slaves and Slavery; adopted.

Mr. Wælder offered the following resolution.

Resolved, That the Speaker appoint a committee of three to request of Judge Hemphill, a copy of his eulogy on Gen. Rusk,

- and that five thousand copies thereof be printed for the use of this House; adopted.

Mr. Walling introduced a bill to change the law in regard to the sale of spirituous liquors; read first time.

Mr. Wælder moved a reconsideration of the vote taken on yesterday—adopting the Senate's substitute to the resolution of the House, relative to the election of United States Senator.

On motion of Mr. Brown motion to reconsider was laid on table.

A message was received from the Senate announcing to the House that the Senate had passed the following resolution; a Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their endeavors in procuring a regiment of Texas Mounted Volunteers, to be raised for the protection of the western frontier of Texas.

On motion of Mr. Wælder, Mr. Clow was added to the committee on Privileges and Elections.

On motion of Mr. Craig, Mr. Ward of Cass was added to the committee on Privileges and Elections.

On motion of Mr. Jennings, Mr. Ward was added to the committee on the Judiciary.

On motion of Mr. Henderson of Harris, the orders of the day, and business on the Speaker's table were taken up.

The following message from His Excellency the Governor was taken from the Speaker's table and read, and on motion of Mr. Henderson of Harris referred to the committee on State Affairs.

EXECUTIVE OFFICE, }
AUSTIN, November 6, 1857. }

To the Honorable the Senate,

and House of Representatives.

I transmit herewith the report of the Secretary of State in regard to the operations of his office for the two past years.— You will find in this report many suggestions worthy of consideration.

E. M. PEASE.

Also the following report from His Excellency the Governor which was read and on motion of Mr. Wælder referred to the committee on State Affairs.

EXECUTIVE OFFICE,
Austin, November 6, 1857. }

Gentlemen of the Senate

and House of Representatives:

I transmit herewith the reports of James C. Wilson, the former Commissioner of Claims, and James O. Illingsworth, the present incumbent of that office.

Mr. Illingsworth was appointed during the recess of the Legislature to fill the vacancy occasioned by the resignation of Mr. Wilson, and under the law organizing the office, his appointment will expire at the end of ten days from the commencement of your present session, so that after Wednesday, the 11th inst., the business of the office will be suspended, unless the Legislature shall previously elect a Commissioner.

This office, if it is continued, will relieve the Legislature of a class of business that has heretofore occupied at least one-fourth of its time. It is known to those who have served in the Legislature at previous sessions, that much of its time has been occupied in the investigation of private land claims, and unaudited money claims against the Republic; which, since the Auditor's office was abolished, have also devolved on the Legislature; the evidence in regard to such claims has been taken by committees, at such hours as could be spared, after attendance upon the daily sessions, and necessarily had to be done hastily; it has usually consisted of *ex parte* affidavits, prepared by interested persons, which were often deceptive and generally very unsatisfactory.

This office now receives all claims for land and money against the State, with the evidence in support of them, taken down in writing, the testimony of all witnesses that appear in person, and issues commissions to take the evidence of such as do not appear in person, in answer to interrogatories, so framed as to elicit every fact, within the knowledge of the witness, that is deemed necessary to determine the merits of the claim. The evidence thus taken is then carefully examined in connection with the laws that have any bearing upon the claim, and an opinion formed, which is reported to the Legislature for its action; in this way every claim is more closely scrutinized than it could possibly be by a committee of the Legislature in the limited time their other duties enable them to give to such matters.

This has been the practice of the office in regard to all land claims presented, though the provisions of the law gives to the

Commissioner the power to issue original headright certificates, in all cases where the applicant appears in person, with his witnesses, and makes the same proof as was formerly required before the County Boards of Land Commissioners.

The first Commissioner declined to exercise this power, because, between five and six hundred applications for such certificates were presented, from persons, a large portion of whom he felt morally certain were not entitled to receive them, though about one hundred made the proof the law required, and all would have done so had he not announced his determination to refer the whole to the Legislature. The reasons for his action are fully set forth in his report, and they have influenced his successor to pursue a similar practice. The course pursued by both of these officers in regard to this description of claims, was resolved on, after a consultation with the Executive and with his full approbation.

It will be seen from the report of the first Commissioner, that he recommends a change in the law, so as to take away the power to issue original headright certificates. In this recommendation I cordially concur.

Far the most laborious duties that devolve on this office is the registration of bounty and donation warrants, and headright certificates of the second, third and fourth class, and their examination for approval or rejection. The importance of continuing this system is apparent to every one at all conversant with the present situation of these land claims—upwards of 17,000 county and donation warrants have been issued, of which less than seven thousand have been surveyed and returned to the General Land Office. The destruction of the Adjutant General's Office has left us without any record of the names of the persons to whom these warrants were issued or the quantity of land they call for, and it is only by pursuing this system of registration that we can ever supply the loss of that record.

Without such a record we have no means of detecting repeated applications for warrants in cases where they have already been issued.

It is equally necessary to continue the practice of requiring an examination and approval of these warrants and of headright certificates of the second, third and fourth class, before they are patented, if we intend to do any thing to prevent our public domain from being absorbed by forged and fictitious

warrants and certificates, of which an immense number are now in circulation, and others are being daily manufactured.

The large mass of honest claimants will be subject to little, if any inconvenience, by the system now pursued, while those claims which are forged or fictitious, will most certainly be detected.

Some modifications in the law organizing this office are suggested in these reports, whereby applicants will be greatly facilitated in making their proofs without any detriment to the public interest: and it is believed that a conference with the Commissioner, and a personal examination into the mode in which the business of the office is conducted, will enable a committee to suggest such other modifications in the law governing the office as will remove all reasonable objections that have been made to the system.

You will find, accompanying these reports, lists of such land claims as, in the opinion of these officers, ought to be granted; all the evidence in regard to them is on file in the office, subject to the inspection of the Legislature. You will also find lists of such claims for money as have been audited, and will require appropriations for their payment, together with lists of all claims docketed, which they were unwilling to pass or recommend to the favorable consideration of the Legislature.

These reports contain a large amount of information in regard to the operations of the office, and are worthy of a careful examination.

E. M. PEASE.

The following business from the Speaker's table was then taken up:

Joint Resolution to change the Constitution of the State of Texas so as to allow appeals from the Justice to the District Courts of this State. Read second time and on motion of Mr. Locke, referred to the Committee on the Judiciary.

Also a joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their endeavors in procuring a regiment of Texas mounted volunteers, to be raised for the protection of the western frontier of Texas, was taken up; read first time, and on motion of Mr. Bee, rule suspended; read second time; rule further suspended; read third time and passed.

On motion of Mr. Wood, Mr. Kittrell was excused from attendance on the House on account of indisposition.

On motion of Henderson of Harris, Mr. Holland of Panola was excused from attendance on the House on account of indisposition.

Mr. Kinney, by leave, introduced the following Resolution :

Resolved, That the Committee on Slaves and Slavery be instructed to report by bill or otherwise upon the expediency of exempting from execution for debt one or more slaves of each and all debtors.

Mr. Hart moved to lay the resolution upon the table ; the question being put the House refused to lay it on the table by a vote of 22 yeas to 51 nays.

Mr. Howerton then offered the following amendment :

Amend after the word slave or slaves insert "of the value of \$1000 in lieu of the personal property now exempt from levy and sale by the constitution and laws of the State.

On motion of Henderson of Cass, Resolution and amendment referred to the Committee on Slaves and Slavery.

Mr. Aycock offered the following resolution, which was adopted :

Resolved, That the committee on the Judiciary be instructed to take into consideration the subject of theft of horses, and of making the penalty more severe, and report by bill or otherwise.

Mr. Henderson of Cass offered the following resolution, which was adopted :

Resolved, That the committee on Roads, Bridges and Ferries be requested to examine into the expediency of a revision of the Road Laws, and report thereon by bill or otherwise.

Mr. Locke offered the following resolution, which was adopted :

Resolved, That the committee on the Land Office be requested to investigate the subject, and see if it would not conduce to the public interest and convenience for the said Office to continue open, and the officers and employees continue to transact their respective business from the hour at which they at present meet until 5 o'clock P. M., and report as early as practicable.

—[Adopted.]

Mr. Shelton offered the following resolution, which was adopted :

Resolved, That the committee on the Judiciary enquire into the expediency of amending the several laws of this State regulating the duties of assessors and collectors, and report by bill or otherwise.

Mr. Kinney offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to report by bill or otherwise upon the expediency of requiring all sheriff's sales of real estate to be advertised in at least one newspaper in the State.—[Adopted.]

Mr. Holland of Austin introduced the following resolution, which was, on motion of Mr. Locke, laid on the table :

Resolved, That the committee on State Affairs be instructed to inquire into the expediency and necessity for the call of a convention to revise and amend the Constitution of the State, and that said committee report by bill or otherwise at as early a day of the session as may conveniently be done.

Mr. Bee, chairman of the committee on the Rules of the House of Representatives, made the following report :

COMMITTEE ROOM,
Austin, Nov. 7, 1857. }

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The select committee appointed to revise the Rules of the House of Representatives, have discharged that duty, and recommend that the rules adopted at the former session of the House, be adopted by this House, with the following amendments, to-wit :

Rule 10—strike out “read” and insert “adopted.” Rule 31—insert after “amendments” the word “motions.” Rule 51—after “adjourn,” add “but no motion to reconsider shall be entertained by the House on any bill, motion or resolution more than once at the same stage thereof.”

Add—“Motions to reconsider a vote taken on any question, and to lay the same on the table, may be made simultaneously by the same member ; and if the motion to lay on the table is carried, there shall be no further action on such question during the session.”

Rule 52—Insert after “order” the words “Except when the previous question shall have been ordered by the House.”

Rule 56—A majority of the Committee report that no change is advisable in this Rule.

All of which is respectfully submitted.

H. P. BEE, Chairman.

Recommended amendments adopted.

[Report adopted.]

Mr. Jennings, one of the committee on Rules, in conjunction with Mr. Locke, made the following minority report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives

The undersigned, members of the committee on the Rules of the House, beg leave to report that, in addition to the amendments suggested in the report of the committee, a further amendment ought, in their judgment, to be made by substituting in the first line of Rule 56 the number "Twenty" for "fifteen."

T. J. JENNINGS,
M. F. LOCKE.

[Laid on table.]

Mr. Rainey moved to amend the minority report by striking out twenty and inserting thirty-one; and adding that this rule shall not operate to a suspension of the business before the House, a quorum being present. Mr. Dennis moved to lay the amendment on the table.

Mr. Locke called for a division of the question.

The question being on laying Mr. Rainey's motion to strike out twenty and insert thirty-one on the table, the yeas and nays being demanded, the motion was laid on the table by a vote of 52 yeas to 19 nays.

The question then recurring on laying the second amendment of Mr. Rainey and the minority report on table, was put and amendment and minority report laid on the table by a vote of 39 yeas to 32 nays.

On motion of Mr. Brown, the Rules as amended were adopted.

Mr. Wælder moved to reconsider the vote adopting the rules; on motion of Mr. Dennis laid on table.

A message was received from the Senate announcing to the House that the Senate had passed a bill originating in the House, legalizing surveys made in Karnes' land district.

On motion of Mr. Bee, two hundred copies of the Rules were ordered to be printed.

On motion of Mr. Chilton, the House adjourned until 9 o'clock on Monday morning.

AUSTIN, Nov. 9, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Joseph presented the petition of W. T. Freeman and eighteen others, asking protection as employees of Railroad Companies.

On motion of Mr. Chilton, Hon. W. R. Poag, member elect from Panola county, came forward, presented his credentials, took the oath of office and his seat.

Mr. Cooley presented the petition of sundry citizens of Gillespie county; referred to committee on Public Lands.

Mr. Brown presented the petition of Lawrence A. Washington; referred to committee on Private Land Claims.

Mr. Navarro presented the petition of Lazaro Garza; referred to committee on Private Land Claims.

Mr. Henderson of Harris, presented the petition of J. W. Burks; referred to committee on Internal Improvements.

Mr. Lee introduced a bill for the relief of the widow of Capt. A. C. Hinton, late Commander in the Texas Navy; read first and second times and referred to committee on Public Debt.

Mr. Johnson, Chairman of committee on Printing reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on printing to whom was referred resolutions in relation to having the proceedings of the Legislature published in the Tri-Weekly Gazette, and also to contract with the proprietors of the several newspapers in this place for twenty copies of said Weekly papers for each member of the House, beg leave to report: That they have acceded to a proposition from the office of the Gazette, subject to the approval of the House, to take ten copies of the Tri-Weekly Gazette for each member of the House, at five cents per copy; said Tri-Weekly Gazette to contain a true report of the official Journals, bills, resolutions, executive Documents and such matters relating exclusively to the business of the Legislature, provided said Tri-Weekly Gazette keep regularly up in the publication of said proceedings.

The committee have also contracted with the proprietors of the Intelligencer, State Gazette and Sentinel of this place for

twenty copies of said Weekly papers for each member of the House at eight cents per copy. In regard to the publication of the debates your committee have not as yet made any permanent agreement and to do so ask further time.

Mr. Gaston introduced a bill to authorize County Courts to establish or discontinue private roads; read first time.

Mr. Shannon introduced a bill for the relief of a certain class of persons therein named; read first time.

Mr. Hart introduced a bill to amend an act to incorporate the town of Greenville; read first time.

Mr. Smith of Orange, introduced a bill to amend the eighth section of An Act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas, by making appropriations for the same; read first and second times and referred to committee on Internal Improvements.

Mr. Haynes of Starr, introduced a bill to authorize the Commissioner of the General Land Office to cancel patent No. 815, vol. 8, &c.; read first and second times and referred to committee on Public Lands.

Mr. Brown introduced a bill to encourage the permanent organization of Military Companies in this State; read first time.

Mr. Hicks introduced a bill to amend An Act to encourage the improvement of the navigation of the rivers and other water courses in Texas, by making appropriations for the same; passed August 1st, 1856; read first and second times and referred to committee on Internal Improvements.

Mr. Wood offered the following resolution:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of passing a law on the subject of escheats and forfeitures, and to report by bill or otherwise, at their earliest convenience; adopted.

Mr. Craig presented the following review of the Penal Code by C. A. Frazer, Judge of the 6th Judicial District; (see Appendix); referred to committee on Judiciary.

Mr. Evans offered the following resolution:

Resolved, That the Speaker appoint a select committee to consist of one member from each Judicial District of the State to enquire into the propriety of re-districting the State into Judicial Districts, and report by bill or otherwise; rejected.

Mr. Shannon introduced a bill to incorporate the town of Weatherford, county seat of Parker county; read first time.

Mr. Harrison introduced a Joint resolution to establish a

Stage Coach line from Tyler to Waxahatchie; read first and second times and referred to committee on State Affairs.

On motion of Mr. Brown, the House took ten minutes recess.

The recess having expired, the Speaker called the House to order—roll called—quorum present.

On motion of Mr. Brown the Chief Clerk was authorized to inform the Senate that the House was ready to go into an election for two United States Senators, to succeed Gen. Thos. J. Rusk, and Gen. Sam Houston, and invite the Senate to meet the House of Representatives in their Hall for that purpose.

The Senate, headed by Hon. M. D. K. Taylor, President *pro-tem*, and their Secretary, James F. Johnson, was announced at the bar of the House.

The President was invited to a seat on the right side of the Speaker, and the Senators to seats prepared for them. The rolls of both Houses being called and a quorum of each found present, the Speaker announced that nominations were in order on the part of the House, to fill the vacancy in the United States Senate, caused by the death of the Hon. Thos. J. Rusk.

Mr. Rainey placed in nomination, on the part of the House, the name of J. Pinckney Henderson.

The President then announced that nominations on the part of the Senate were in order to fill the vacancy in the United States Senate, caused by the death of the Hon. Thos. J. Rusk.

Whereupon, Mr. Truit put in nomination the name of J. Pinckney Henderson.

On telling the vote, it appeared that the following members of the House of Representatives had voted for J. Pinckney Henderson:

Messrs. Speaker, Aycock, Baldwin, Barnard, Bee, Bishop, Brown, Buckley, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crawford, Crook, Dalrymple, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Holland of Austin, Holland of Panola, Howerton, Jennings, Johnson, Joseph, Kinney, Lacey, Lee, Lewter, Locke, Lloyd, McKenney of H., McKinney of Travis, Merriman, Mills, Navarro,

Norton, Poag, Powell, Price, Rainey, Reeves, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshur, Wælder, Walling, Ward, Waterhouse, Witt, and Wood—79. The following gentleman voting for Geo. W. Smythe:

Messrs. Kirk, Rhodes, and Roberts—3.

On the part of the Senate, Mr. J. Pinckney Henderson received 28 votes.

Mr. Henderson having received a majority of all the votes cast was declared duly elected United States Senator, to fill the unexpired term of the Hon. Thos. J. Rusk.

The Speaker then announced that nominations were in order to fill the place of Hon. Sam Houston, whose term of service will expire March 4th, 1859.

Mr. Jennings, on the part of the House of Representatives, placed in nomination the name of John Hemphill.

Mr. Potter placed in nomination, on the part of the Senate, the name of John Hemphill.

The following gentlemen, in the House of Representatives, voted for Mr. Hemphill:

Messrs. Speaker, Aycock, Baldwin, Barnard, Bee, Bishop, Brown, Buckley, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clove, Collier, Cooley, Craig, Crawford, Crook, Dallymple, Dennis, Doom, Evans, Edwards, Everett, Fisher, Gaston, Hardeman, Hardin, Harris, of Guadalupe, Harris, of Titus, Harrison, Hart, Haynes, of Starr, Haynes, of Washington, Henderson, of Cass, Henderson, of Harris, Hicks, Higgins, Holland, of Austin, Holland, of Panola, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Lacy, Lee, Lesueur, Lewter, Locke, Lloyd, McKenney, of Hopkins, Merriman, Mills, Navarro, Norton, Poag, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith, of Fannin, Smith, of Orange, Tait, Upshaw, Wælder, Walling, Ward, Waterhouse, Witt, and Wood—83.

On the part of the Senate, Mr. Hemphill received 28 votes.

It appearing that John Hemphill had received a majority of all the votes, he was declared by the Speaker duly and Constitutionally elected to succeed Hon. Sam Houston; his term of service to commence on the 4th day of March, 1859.

Mr. Walling introduced the following resolution:

Resolved, That the Governor be authorised to employ a special messenger to deliver, without delay, to Gen. J. Pinckney Henderson his commission as United States Senator, to fill the

vacancy caused by the death of the Hon. T. J. Rusk, and that the said messenger be paid out of the contingent fund of the House—provided, that it costs not more than twenty-five dollars.

Mr. Barnard moved to strike out the “proviso.” Lost.

On motion of Mr. Chilton, the vote refusing to strike out the proviso, was reconsidered.

Question recurring on the adoption of Barnard’s amendment, the same was put and the amendment was adopted.

The Resolution as amended was then adopted.

Mr. Wælder introduced the following Bill, which was read first time:

A Bill to be entitled an Act regulating the sale of spirituous, vinous and other intoxicating liquors in quantities less than a quart

Mr. Locke introduced the following Bill, which was read first time:

A Bill concerning the County Commissioners of the several counties of this State.

Mr. Doom introduced a Bill for the relief of Jacob Becker—read first time.

Resolved, That the Committee on State Affairs be instructed to inquire into the propriety of erecting a suitable monument (at the expense of the State) to the memory of the late Thomas J. Rusk, and report by Bill or otherwise, at their earliest convenience.

Mr. Evans introduced the following Bill, which was read first time:

A Bill to provide for holding special terms of the District Courts,

On motion of Mr. Shelton, Mr. Hart was excused from attendance on the House, on account of indisposition.

On motion of Mr. Witt, the business on the Speaker’s table and the orders of the day, were taken up.

A Bill to change the law in regard to the sale of spirituous liquors, was taken up, read second time, and on motion of Mr. Brown, referred to the committee on State Affairs.

A Bill entitled an Act authorizing the Clerk of the County Court of Fayette County, to transcribe certain records therein named.

Read second time and referred to the Judiciary Committee.

An Act, entitled an Act to amend an Act to authorize the

location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved August the 26th, A. D. 1856.

Read second time, and on motion of Mr. Roberts, referred to the committee on Public Lands.

A Bill to prevent from running at large unlawful stock, was then taken up.

Mr. Chilton offered the following amendment, which was adopted:

Amend the caption of the Bill by striking out "unlawful" and inserting "vicious."

Mr. Crawford offered the following amendment:

Strike out "Seed Horse" and insert "Stud Horse," also, strike out "Jack" and insert "Jackass."

Mr. Brown offered the following amendment:

Insert after the word "Mule," the words "or Batchelors over the age of 35 years."

Mr. Cleveland moved to strike out "Mule."

On motion of Mr. McKinney, of Travis, the Bill and amendments were referred to a select committee of five. The Speaker appointed Messrs. McKinney, of Travis, Hart, Cleveland, Brown and Crawford, said committee.

A Bill to amend an Act regulating attachments, approved March 11th, 1848; read second time and referred to the Judiciary committee.

An Act authorizing the Clerk of the County Court of Dallas county to transcribe certain records therein named; read second time and ordered to be engrossed; rule suspended, read third time and passed.

An Act authorizing the Clerk of the District Court of Fayette County to transcribe certain records therein named; read second time and referred to the committee on the Judiciary.

Evidence in the case of John M. Lewis vs. R. M. Powell, contesting the seat from Montgomery county, was taken from the Speaker's table and referred to the committee on Privileges and Elections.

Mr. Evans introduced a Bill amendatory of an Act, incorporating the town of Waco; read second time and referred to the committee on State Affairs.

On motion of Mr. Hicks, Messrs. Waterhouse, and Smith, of Grange, were added to the committee on Internal Improvements.

On motion of Mr. Ross, Mr. Kirk was added to the committee on Private Land Claims

On motion of Mr. Jennings, Mr. Cleveland was added to the committee on Privileges and Elections.

On motion of Mr. Wood, the House adjourned until 10 o'clock, A. M., to-morrow.

AUSTIN, Nov. 10th., 1857.

House met pursuant to adjournment—roll called, quorum present, Journal of yesterday read and adopted.

On motion of Mr. Crawford, Mr. Hall member elect from El Paso came forward, presented his credentials, took the oath of office and his seat.

A message was received from the Senate, announcing to the House, the passage of a bill, originating in the House, to legalize transcripts of records of field notes in the Surveyor's office of Fayette County, and of the passage of the following resolutions: *Resolved*, by the Senate, the House concurring, that a committee of two on part of the Senate and three on part of the House, be appointed to take into consideration the propriety of reporting a bill for the protection of stock raisers.

Also *Resolved*, by the Senate, the House concurring, the Houses will go into the election of a Commissioner of Claims, to-day at 12 o'clock M., to fill the vacancy occasioned by the resignation of James C. Wilson, Esq., to-wit: up to Jan. 1st. 1858.

Mr. Lee presented the petition of sundry citizens of Austin, with a bill to quiet the title to real estate in the city of Austin; accompanying bill read first and second times and referred with the petition to the Judiciary committee.

On motion of Mr. Crawford, Mr. Hall was added to the committees on Indian Affairs and State Affairs.

Mr. Bishop presented a petition from sundry citizens of Wise, asking to change the name of Taylorsville to Decatur. Referred to committee on County and County Boundaries.

REPORTS OF STANDING COMMITTEES.

Mr. Jennings, chairman of committee on Judiciary, reported recommending the passage of a bill to authorize the Clerk of the District Court to transcribe certain records therein named. Report received.

Mr. Mills, one of the Judiciary committee, reported a bil

to change the time of holding the County Courts of Upshur county. Report received, and bill read first time.

Also reported a bill to relieve William M. Gordon from the disabilities of minority and recommended its passage. Report received and bill read first time.

Mr. Price, one of the committee on Judiciary, made a report recommending the passage of a bill to authorize the Clerk of the county court of Fayette county to transcribe certain records. Also recommending the passage of a bill to authorize the Clerk of the county court of Johnson county, to transcribe certain records. Report received.

Mr. Ward, one of the Judiciary committee made the following report :

The committee to whom was referred the resolution of inquiry into the expediency of amending the several laws of this State, regulating the duties of Assessors and Collectors, beg leave to report that they do not believe the Judiciary committee the proper committee to take cognizance of said resolution, and hereby report the same back to the House and move its reference to committee on Finance. Adopted.

Mr. Johnson, one of the Judiciary committee, reported recommending the passage of a bill to authorize the Clerk of the county court of Grayson county to transcribe certain records. Report received.

Mr. Dennis, one of the Judiciary committee, reported a substitute for a bill to admit Wm. H. Burkhart to practice law in the courts of this State, and recommended its passage. Report received.

Mr. Jennings, offered by leave, the following resolution :

Resolved, That the Sergeant-at-arms, be instructed to purchase a sufficient number of common chairs to supply the committee rooms of the House, to be paid for out of the contingent fund. Adopted.

Mr. Craig offered the following resolution :

Resolved, That the committee on Finance be instructed to inquire into the propriety of allowing to the County Treasurers compensation for receiving and disbursing the school fund in their respective counties; no compensation being allowed by law and that they report a bill for that purpose. Adopted.

Mr. Aycock, chairman of the committee on Public Lands, reported recommending the passage of a bill for the relief of pre-emption settlers. Report received.

Also made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives,

The committee on Public Lands, to whom was referred the petition of the citizens of Johnson county, a bill for the relief of settlers within the Pacific R. R. Reserve, and three several bills to amend an act to authorize the location, sale and settlement of the Pacific R. R. Reserve, passed Aug. 26, 1856, beg leave to report that the object of each and all of said petitions and bills, is to extend relief to the pre-emption settlers in said reserve, and that they have taken the subject under consideration and determined it best to report the accompanying bill as a substitute for those mentioned and recommend its passage.

The committee would respectfully suggest the propriety of early action of the House upon the subject, as the time is now shortly to expire when a large number of the reserve settlers must lose their lands for want of ability to comply with the law. Report received and substitute read first time.

Mr. Bee, chairman of committee on State Affairs, made the following reports:

Recommending the passage of a bill to incorporate the Casino Association of San Antonio.

Reported back a resolution proposing a reduction of the State taxes and recommended its reference to the committee on Finance.

Reported a bill for the relief of Jim Shumate, and recommended its passage. Bill read first time.

Recommended the passage of a joint resolution concerning a tri-weekly mail stage route from Tyler to Waxahatchie.

Reported, recommending the passage of a bill for the relief of James Strange.

Recommended the passage of a bill to incorporate the town of Lonham.

Reported a bill for the relief of J. S. Ming, and recommended its passage. Bill read first time.

Reports received to come up in their regular order.

Mr. Crawford, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to authorize the Clerk of the county court of Dallas county to transcribe certain records therein named. Report accepted.

Mr. Johnson, chairman of committee on Printing made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on printing to whom was referred a resolution to contract for the publication of the debates, beg leave to report: That they have received and acceded to a proposition from the office of the State Gazette, to take eleven copies of the Appendix for each member of the House, at five cents per copy; said Appendix to contain a true and correct report of all the debates of the Legislature, ten copies of which are to be regularly furnished to each member and one copy to be bound in good workmanship style, and furnished to each member of the House, when all of the debates shall have been published at an expense not to exceed the cost of binding, subject to the approval of the House; report adopted.

Mr. Wælder introduced the following bill, which was read first time.

A bill to be entitled An Act supplementary to An Act entitled An Act to perfect land titles in Castro's Colony, approved January 22d, 1850.

Mr. Lee introduced An Act to authorize and require all forced sales of real estate or negroes made by execution and Administrators in the county of Travis, to be made on Congress Avenue at the South-East corner of Block Number 70; read first time.

Mr. Wood introduced a bill entitled An Act amendatory of An Act regulating estrays, passed February the 8th, 1850; read first time.

Mr. Buckley offered the following resolution:

Resolved, That the committee on Public Buildings be and are hereby instructed to examine the report of the Attorney General made to the Governor in obedience to Joint Resolution, passed September 1st, 1856, authorizing the Governor to institute several suits, if necessary, in relation to the erection and furnishing of the new Capitol, and to report to this House upon the justice or propriety of the prosecution or dismissal of the suit or suits, so instituted, and now pending in favor of the State and against the contractors for the erection of the Capitol.

Mr. Holland of Panola, offered the following resolution which was rejected:

Resolved, That the Judiciary committee be requested to inquire into the expediency of so amending the laws regulating proceedings in the District Courts, as to establish an appear-

ance term directing that suits shall not be required to be tried at the term of their institution, unless the parties consent thereto.

Mr. Elder offered the following resolution which was adopted:

Resolved, That the committee on State Affairs be instructed to inquire into the expediency of suspending or repealing the Estray laws, and report by bill or otherwise.

On motion of Mr. Witt, the resolution of Senate going into an election for Commissioner of Claims, was taken from Speaker's table and concurred in by a vote of 65 yeas to 16 nays.

Mr. Rainey, Chairman of the committee on Internal Improvements reported, recommending the passage of a bill to be entitled An Act for the relief of the Galveston, Houston and Henderson Railroad company, and in amendment of the Act of incorporation thereof and of the Acts amending the same, and in addition thereto, with the accompanying substitute for the second Section of said bill: Strike out Section second, and insert in its place, as follows, to wit: Section 2nd, That if said Galveston, Houston and Henderson Railroad company shall from and after said 1st day of November, 1858, build, construct and finish so that the same is in good running order so much of their road every year as is now or may hereafter be required under and by the provisions of the Act of the Legislature of the State of Texas, passed January 30th, 1854; and entitled An Act to encourage the construction of Railroads in Texas by donations of land, or as may hereafter be required under the provisions of any amendment that may hereafter be made to said Act, then said company shall be entitled to receive from the State sixteen Sections of land a mile therefor under the provisions of said Act of January 30th, 1854, until said Act be repealed or expire by limitation.

Mr. Rainey, Chairman of the committee on Internal Improvements, made the following report:

To the HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Internal Improvements to whom was referred the accompanying bill, have had the same under consideration, and instruct me to report the same back to the House and recommend its passage with the following amendments, to wit: Insert the following words after the word "Act" in the

first line of the bill "to revive and continue in force," and add one more Section to read as follows:

Section First. Be it enacted by the Legislature of the State of Texas; That An Act entitled An Act to incorporate the San Antonio and Mexican Gulf Railroad, approved September 5th, 1850, and the several supplementary and amendatory Acts concerning said Railroad, be and the same are hereby revived and continued in force in accordance with said original Act, an Acts supplementary and amendatory thereto; and on the terms and conditions hereinafter mentioned; provided, that this Act of revival shall not be so construed as to render liable any person or persons for the payment of any unpaid balance of the capital stock of said company who would not have been so liable without the passage of this Act. Change the numbers of the other Sections so as to correspond with the above addition, and strike out the enacting clause of the 13th Section of the original bill.

To Section 6 to be numbered Section 7, add this proviso: Provided said Railroad company in all things shall comply with the terms and conditions of said law as it now exists, or as it hereafter may be amended by the Legislature of the State of Texas. All of which is respectfully submitted.

Mr. Chilton offered the following resolution:

Resolved, That Chas. Coney as Engrossing Clerk and Alf. Davis as Enrolling Clerk, be authorized to exchange positions and their official acts be as valid in such exchanged position as if they had been originally elected thereto.

Mr. Brown moved to lay the resolution on the table—lost.

On motion of Mr. Wælder, the resolution was postponed until Thursday next, 12th inst.

On motion, the House took a recess of 15 minutes.

Recess expired—roll called—quorum present.

The Chief Clerk was instructed to announce to the Senate that the House was in waiting to meet the Senate in Joint Session for the purpose of electing a Commissioner of Claims.

The Senate appeared headed by the Hon. M. D. K. Taylor, President *pro-tem*, who was invited to a seat on the right of the Speaker, and Senators to seats in the Hall prepared for them.

The rolls of both Houses were then called and a quorum being present, the two Houses in Joint Session went into the election of a Commissioner of Claims.

Nominations being in order, Senator Erath on the part of

the Senate, put in nomination the name of J. O. Illingsworth.

Mr. Evans on the part of House, put in nomination the name of J. O. Illingsworth.

Upon calling the roll, it appeared that the following members had voted for Mr. Illingsworth:

Messrs. Speaker, Aycock, Baldwin, Barnard, Bee, Bishop, Brown, Buckley, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Craig, Crook, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Holland of Austin, Holland of Panola, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacey, Lee, Lesueur, Lewter, Locke, Lloyd, McKenney of Hopkins, McKinney of Travis, Mills, Navarro, Norton, Poag, Powell, Price, Rainey, Rhodes, Roberts, Rogers, Ross, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling, Ward, Waterhouse, and Witt—76.

Messrs. Crawford, Haynes of Starr, Reeves, and Wood voting blank.

J. O. Illingsworth having received a majority of all the votes cast was declared duly elected Commissioner of Claims to fill the vacancy occasioned by the resignation of J. C. Wilson, whose term would have expired January 1st, 1858.

The Senate then retired to their Chamber.

Mr. Rainey offered the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the propriety of paying witnesses when appearing before the Grand Jury, and that they report by bill or otherwise.

Mr. Henderson of Harris, introduced a bill amending the Third Section of An Act concerning Divorce and Alimony, passed January 6th, 1841; read first time.

Mr. Wælder offered the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of staying executions on judgments rendered by the District courts of this State and report by bill or otherwise; adopted.

Mr. Smith of Orange introduced a bill for the relief of Jno. Dillon, Jr; read first time.

Mr. Evans introduced a bill, for the relief of the heirs of Sumner Bacon, deceased; read first time.

Mr. Locke, chairman of committee on Enrolled bills, made the following report.

The committee on Enrolled bills have have examined a bill to legalize surveys made in Karnes Land District, and find it correctly enrolled, and has this day been presented to the Governor, for his approval; report accepted.

Mr. Burnett introduced a bill for the relief of Louisa Warren minor heir of Joseph M. Warren deceased; read first time.

The following messages from His Excellency, were then taken from the Speakers table.

EXECUTIVE OFFICE, }
AUSTIN, November 10, 1857. }

Gentlemen of the Senate,

and of the House of Representatives :

I send you herewith three memorials recently received at this office, from citizens on the waters of the San Saba and Colorado river, which states that the Indians have lately invaded their settlements and killed one person and stole and carried away a large number of horses. The memorialists ask for protection from the Executive and it is not in his power to do any thing for their relief without the co-operation of the Legislature. The memorials are respectfully referred to you with a confident hope that you will inquire into the merits of their application and devise some measure to give them that protection which they ought to receive; referred to a joint committee of both houses.

EXECUTIVE OFFICE, }
AUSTIN, November 9, 1855. }

Gentlemen of the Senate,

and of the House of Representatives :

You will receive herewith a report of two of the Commissioners appointed to investigate and report the facts in relation to the illegal issue of certificates for land by the county Court within the limits of Peter's Colony.

These Courts were authorized under the provisions of "An Act relating to lands in Peter's Colony," approved 10th Feb. 1852, to issue certificates for 640 acres to heads of families, and of 320 to single men, who settled within the limits of said Colony prior to the 1st July 1848: and resided therein three years, provided they had not previously obtained a certificate from the Colony commissioner, nor a head right from

the Republic, or State of Texas. Before such a certificate could issue, such Colonist was required to prove his settlement and residence as above stated before some county court in said Colony, by his own oath and the oath of two respectable witnesses, and also by his own oath that he had not received a certificate from the Colony commissioners, nor a head right from the Republic or State.

These commissioners report that they have examined the records of the county courts of Grayson, Cook and Collin counties, and they give the names of fifty persons who received certificates of 640 acres, and one hundred and twenty-one who received 320 acres in the county first named. Thirty-eight who received certificates of 640 acres and thirty-three, who received certificates of 320 acres in Cook county, and twenty-one, who received certificates for 640 acres, and twenty-seven who received certificates of 320 acres in Collin county.— Making, together 109 certificates of 640 acres, 181 of 320 acres, equal to 127,680 acres, the most of which they believe were illegally issued to persons not entitled to them.

They also state “that a large majority of said certificates were issued to young men who were under seventeen years of age on the 1st day of July 1848. That nearly all were issued on exparte affidavits of persons who were not before the court. That in many cases the facts sworn to would not entitle the applicant to a certificate. That some of the affidavits were so ingeniously drawn, the phraseology so studied, that the affiant really swears to no material fact, and that the county courts were greatly imposed upon.”

These Commissioners also stated that they were unable to visit Tarrant and Parker counties, but that they are creditably informed that a large number of illegal certificates have been issued in both of said counties; that only one of them could visit these counties; but from his examination they believe that upwards of 30,000 acres of certificates have been issued in that county. They make no report in regard to the other counties of said Colony.

It will be seen from the report that all but eight of these certificates, were issued since the 1st of July, 1855, and these eight were issued since the 1st of February of the same year.

It is proper that you should be informed, that as soon as it was ascertained that certificates of this character were being issued, the Commissioner of the General Land Office

was advised of it, and he has since declined to issue patents upon any Colony Certificates issued by county courts, until some action is taken by the Legislature in regard to them.

Upon a review of the facts disclosed by these reports I would suggest the immediate passage of An act to repeal that section of the law that authorizes County Courts to issue Colony Certificates concurrently with another act to prohibit the Commissioner of the General Land Office from issuing a patent upon any Colony Certificate issued by a County Court since the 1st of February, 1855, until the Legislature shall otherwise direct.

Should these recommendations meet your approbation, a Commissioner ought to be established before which the holder of these certificates may prove up their claims anew in the manner they should have proved them before the County Courts or they should be allowed to prove them up anew before the District Court; as it is possible that some of these certificates may have been issued to persons who never were entitled to receive them; referred to committee on Judiciary.

ORDERS OF THE DAY CONTINUED.

A bill to be entitled An act regulating the sale of spiritous, vinous and other intoxicating liquors in quantities less than one quart; read second time and referred to committee on State affairs.

A bill concerning the County Commissioners of the several Counties of this State: read second time and referred to committee on State affairs.

A bill for the relief of Jacob Becker; read second time and referred to committee on private land claims.

A bill to provide for holding special terms of the District Court; read second time, and referred to the Judiciary committee.

A bill to incorporate the town of Weatherford, the county seat of Parker county; read second time and referred to the committee on County Boundaries.

A bill to authorize the county courts to establish or discontinue private roads; read second time and referred to the committee on Roads, Bridges and Ferries.

A bill to be entitled An act to encourage the permanent organization of volunteer military companies in this State; read second time and referred to the committee on Military Affairs.

A bill for the relief of a certain class of persons herein named; read second time and referred to the committee on Public Cands.

An act to amend an act to incorporate the town of Greenville; read second time and referred to the committee on Counties and county boundaries.

The Speaker announced the following as the standing committee on Slaves and Slavery.

Brown, Chairman, Powell, Lesueur, Smith of Orange, Kirk, Ward, Latham and Smith of Fannin.

On motion of Mr. Wood, the House adjourned until 10 o'clock, A. M., to-morrow.

AUSTIN, NOVEMBER 11, 1857.

House met pursuant to adjournment—roll called, quorum present.

Journal of yesterday read and adopted.

The Speaker then announced Messrs Buckley, Evans, Shannon, Hall and Bee, a committee on the part of the House to act with a like committee on the part of the Senate, on the memorials of citizens of San Saba and other counties complaining of Indian depredations, submitted to the House by the Governor.

PETITIONS.

Mr. Hardeman presented the petition of Chas. McGehee; referred to Judiciary committee.

Mr. Collier presented the petition of Jackson J. E. Gregory; referred to committee on Private Land claims.

Mr. Mills presented the petition of D. L. Kokernot; referred to committee on Private Land claims.

A message was received from the Governor.

A message was received from the Senate announcing to the House, the passage of the following bills originating in the Senate:

A bill for the relief of the Galveston, Houston and Henderson Railroad company, and in amendment of the acts of incorporation thereof, and of the acts amending the same, and in addition thereto.

A bill to remove the disabilities of minority from James N. Scott, Wm. P. Wyatt, Wm. B. Fowler and George B. McKinstry, and declare them severally of lawful age.

A bill to revive and continue in force, and supplemental to an Act to incorporate the San Antonio and Mexican Gulf Railroad company, approved Sept. 5th 1850, and the several supplementary and amendatory acts concerning said Railroad.

Mr. Burnett presented the petition of Thomas George, assignee of Maria Antonio Card; referred to committee on Private Land claims.

Mr. Tait presented the petition of sundry citizens of Colorado county; referred to committee on Education.

REPORTS OF STANDING COMMITTEES.

Mr. Wælder, one of the Judiciary committee, made the following report:

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the resolution, instructing said committee to report by bill or otherwise, upon the expediency of requiring all Sheriff's sales of real estate, to be advertised in at least one newspaper, have had the same under consideration, and instruct me to report the accompanying bill and recommend its passage; report received, and bill read first time.

Mr. Hicks, one of the Judiciary committee, reported as follows:

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred, a bill to constitute Wm. Mayfield a legal heir of Jesse Mayfield, have had the same under consideration and instruct me to report that in their opinion the same has been provided for by an Act passed 6th January 1850, entitled an Act to prescribe the mode of adoption, and an Act passed January 28th 1856, entitled an Act supplementary to an Act passed January 28th 1840, concerning Wills, and authorizing persons to dispose of their estate by will, and recommend the indefinite postponement of the same; report received.

Mr. Kittrell, chairman of committee on Education made the following report:

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Education to whom was referred the resolution instructing them to enquire into the expediency of

of establishing one or more State Universities, have had the same under consideration, and have instructed me to report progress: In view of the great difficulty, and in digesting and maturing a plan for a State University in all its details, commensurate with the wants and interest of the State, your committee have thought it best to confine itself to the examination of, and the settlement of two important preliminary points in this question, viz: Whether it is the pleasure of the present Legislature to engage in this enterprise; and if so, whether it will decide to have one or more Universities.

These two points were freely considered and discussed in committee, and they have instructed me to say, that they are unanimously of opinion, that the time has arrived in the history of our progress, as a State, eminently propitious for engaging in this enterprise. That it is one which commends itself with great force, not only to the calm and careful consideration of every member of the Legislature, but to their patriotism. They have instructed me further to say, that after mature deliberation and interchange of views, they were also unanimous in opinion that the object of this enterprise can be more surely accomplished by one State Institution, than by more than one, for reasons that will be set forth in a further report, should the Legislature decide affirmatively, (as your committee fondly hope they may) touching these two preliminary points.

They have, therefore, instructed me to report the following resolution and recommend its passage:

Resolved, That it is the sense of the House of Representatives of the Legislature of Texas, that we should enact a law at its present session, providing for the establishment of a State University as soon as practicable, after the passage of said law.

Your committee instruct me further to say, that should it be the pleasure of the House to entertain this proposition favorably, they will then carefully proceed with further duties necessary to complete the plan in all its parts.

Report received.

On motion of Mr. Howerton, the report was taken up, and on motion of Mr. Chilton, made the special order for 11 o'clock A. M., Monday next.

Mr. Aycock, Chairman of committee on Public Lands, made the following report:

HON. W. S. TAYLOR, *Speaker, &c.*:

The committee on Public Lands, to whom was referred a

Bill to authorize the Commissioner of the General Land Office to cancel patent No. 815, vol. 8, issued to Gregory Sais, and to issue a patent to Vicente Sais, have instructed me to report it back to the House and recommend its passage.

Report received.

Also, the committee on Public Lands to whom was referred the Bill to be entitled an Act to definitely define the Northern boundary of the Mississippi and Pacific Railroad reserve, have considered the same as maturely as the data they have had access to, could admit, and instruct me to report in favor of its passage, with an amendment, striking out the word "definitely" in the title of the same.

Also, reported a Bill for the relief of Wm. Lee, and recommended its passage.

Report received, and Bill read first time.

Mr. Gaston, one of the committee on Roads, Bridges and Ferries, made the following report :

The committee on Roads, Bridges and Ferries, to whom was referred a resolution requesting them to examine into the expediency of a revision of the road Laws, have had the same under consideration, and instruct me to report as follows :

Your committee are of opinion that the present road law, if properly enforced, is sufficient to procure good roads to every portion of the State. And it is not good policy too often to change laws already in force. They are, however, aware that many are of opinion that the Penal Code adopted by the last Legislature, repeals the forfeitures and penalties annexed to the present road law. This point your committee will not pretend to decide, but would recommend the passage of a law that would be plainly understood upon that subject :

Therefore, they have instructed me to report the accompanying Bill and recommend its passage.

Report received and Bill read first time.

Mr. Ross, Chairman of committee on Privileges and Elections, made the following report :

HON. W. S. TAYLOR, *Speaker*, &c. :

The committee on Privileges and Elections, to whom was referred the contested election for representative from Austin county, between Messrs. N. Holland, the sitting member, and Alfred Evans, the contestor, have examined the facts and testimony, so far as they have come to their possession, and have instructed me to report : That as counted and approved by the Chief Justice of Austin county, Mr. Holland received 327

votes and Mr. Evans 301 votes. That the Chief Justice refused to count and allow the vote of New Ulm precinct, which stood for Holland, five votes; Evans, thirty-five votes; giving Holland a total in the county of 332 votes, and Evans a total of 336 votes, or a majority of four in the county. The testimony shows that the returns from this precinct were duly sealed and mailed; that they reached the county seat, were handed with other letters to a negro man, for his master, and by the latter handed to the Chief Justice before the return day. The return was subsequently examined and identified, under oath, by the Presiding Officer, as the same sent by him. The committee, therefore, agree that the vote of New Ulm should have been counted, and that Mr. Evans received a majority of the votes cast.

The certificate having issued to Mr. Holland, Mr. Evans gave him notice of contest, assigning as ground therefor, the rejection of the vote referred to. Mr. Holland answered under the statute, and aside from the question of the New Ulm vote, (which he claimed as rightfully rejected,) assumed that sundry illegal votes had been cast for Mr. Evans, giving the names of the parties and the precincts at which they voted. Upon this, three successive commissions were issued, and testimony was taken in reference to the question raised. The committee have gone through this testimony, and find that of the number whose legal right to vote for Representative, was not brought in question, were not entitled to vote.

The question next to be decided was for whom these persons voted. Here the investigation of the committee was interrupted for the want of copies of the poll books and the election tickets, without which it is impossible to ascertain absolutely, whether the parties voted for Representative at all—and 2d, if they did so vote, whether for the one or the other or partly for both of the contesting parties for the seat. The matter can only be examined upon the receipt of the books and tickets referred to; to procure which it is necessary for the Speaker of the House to issue a warrant to the Chief Justice of Austin county, commanding him to transmit the same to the Speaker. The committee, therefore, find that upon the returns of the election of the whole vote of Austin county, Mr. Alfred Evans has a majority of four votes, and should have received the certificate of election.

In reference to the question of illegal votes, the committee have found much difficulty and embarrassment. But upon

patient investigation and mature reflection, the committee have instructed me to report the accompanying resolution, and recommend its adoption.

Resolved, That from the facts and testimony submitted to this House, Mr. Alfred Evans is entitled to the seat now occupied by Mr. N. Holland as the Representative from Austin county.

Resolved, That upon the application of Mr. Holland, the Speaker be and is hereby instructed to issue a mandate commanding the Chief Justice of Austin county to transmit to the Speaker forthwith a certified copy of the poll books and the election tickets (under seal) of the last August election in said county. Report received.

On motion of Mr. Buckley, the report was taken up and made the special order for 11 o'clock A. M., to-morrow.

BILLS AND RESOLUTIONS.

Mr. Craig introduced a bill for the relief of the Trustees and patrons of the school district in Harrison county; read first time.

Mr. McKenney of Hopkins introduced a bill for the relief of Abel Morgan.

Read first time; rule suspended; read second time and referred to committee on Claims and Accounts.

Mr. Jennings offered the following resolution:

Resolved, That the Judiciary committee be instructed to take into consideration the constitutionality and expediency of prohibiting under sufficient penalties the circulation of Bank paper, or of any other paper representing money, within the limits of this State, and report by bill or otherwise. Adopted.

Mr. Howerton introduced a bill to amend the fourteenth section of An Act to regulate proceedings in the District Court, approved May 18, 1846; read first time.

Mr. Brown offered the following resolution:

Resolved, That the committee on State affairs be instructed to inquire into the expediency of establishing an Agricultural Bureau, designed for the collection of information for the promotion and improvement of the agricultural, mining and other industrial interests of this State, and that they report by bill or otherwise. Adopted.

Mr. Henderson of Cass introduced a bill to change the name

of Leander Milton Nealy to Leander Milton Stone; read first time.

Mr. Dalrymple introduced a bill for the relief of J. P. Gorman; read first time.

Mr. Rogers offered the following resolution:

Resolved, That the Judiciary committee take into consideration the propriety of increasing the pay of Grand and Petit Jurors in the District Court, and report by bill or otherwise; adopted.

Mr. Harris of Titus introduced a bill granting to settlers on public domain pre-emption privileges; read first time.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for Executive approval, a Joint resolution to procure a regiment of Texas mounted volunteers. Report accepted.

Mr. Johnson offered the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of repealing "An Act supplemental to an Act of Jan. 28, 1840, concerning wills, and authorizing persons to dispose of their estates by will." And the re-adoption of An Act similar in its provisions to the said Act of January 28, 1840, and that said committee report by bill or otherwise. Rejected.

Mr. Kittrell introduced the following bill, which was read the first time. A bill to be entitled an act making a contingent appropriation for the support of the State Penitentiary.

On motion of Mr. Kinney, Mr. Munson was added to the committees on State Affairs and Internal Improvements.

On motion of Mr. Kittrell, Mr. McKinney of Travis was added to the committee on Public Debt.

On motion of Mr. Kinney, Messrs. Buckley, Henderson of Harris and Munson, were added to the committee on Education.

On motion of Mr. Howerton, Mr. Hardin was added to the committee on Counties and County Boundaries.

On motion Mr. Ward was added to the committee on Internal Improvements.

On motion Mr. Powell was added to the committee on Public Lands.

On motion Mr. Bishop was added to the committee on County Boundaries.

On motion of Mr. Bee, Mr. Harris of Gaudaloupe was add-

ed to the committees on State Affairs and Internal Improvements.

Mr. Dalrymple, by leave, introduced a bill to reorganize the 17th. Judicial District—read first time.

Mr. Smith of Fannin, by leave, introduced a bill to be entitled an act to regulate the toll of mills—read first time.

On motion of Mr. Waelder, the orders of the day, and business of the Speaker's table were taken up and disposed of as follows:

A Senate resolution, to appoint a committee to report a bill for the benefit of stock raisers, was taken up and adopted, and the Speaker appointed the following gentlemen on the committee on the part of the House: McKinney of Travis, chairman, Kinney and Hart.

A bill, changing the time of holding the County Court of Upshur county—read second time and ordered to be engrossed, rule suspended, read third time and passed.

A bill releasing William Wallace Gordon from minority—read second time and ordered to be engrossed.

An act amending an act, regulating estrays, passed Feb'y. 8th, 1850—read second time and referred to a joint committee to protect stock raisers.

An act to authorize and require all forced sales of real estate or negroes made by executors and administrators in the county of Travis, to be made on Congress Avenue, at the southeast corner of block No. 70—read second time and ordered to be engrossed.

A bill to be entitled an act, supplemental to an act entitled an act to perfect land titles in Castro's Colony, approved Jan'y. 22d. 1850—read second time and referred to the committee on State Affairs.

An act amending the third section of an act, concerning divorce and alimony, passed January 6th. 1841—read second time and referred to committee on the Judiciary.

A bill for the relief of John Dillon, jr.—read second time and referred to the committee on the Judiciary.

An act for the relief of the heirs of Sumner Bacon, deceased—read second time and referred to the committee on Public Debt.

A bill for the relief of Louisa Warren, minor heir of Joseph M. Warren, deceased—read second time and referred to the committee on Private Land Claims.

A bill for the relief of settlers in the Mississippi and Pacific

Railroad Reserve, was taken up and Mr. Henderson of Harris offered a substitute.

On motion of Mr. Henderson of Harris, the bill and substitute were recommitted to the committee on Public Lands.

A message was received from the Senate, announcing to the House that the Senate had appointed the following gentlemen on the part of the Senate, on the joint committee on memorials from citizens of San Saba and other counties, complaining of Indian depredations, viz : Messrs. Scarborough, Hyde and Erath.

On motion of Mr. Rainey, the House adjourned until 10 A. M. to-morrow.

THURSDAY.

AUSTIN, Nov., 12th, 1857.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Chilton, Mr. Rainey was excused from attendance on the House on account of sickness.

On motion of Mr. Craig, Mr. Murrah, one of the members elect from Harrison county, came forward presented his credentials, took the oath of office and his seat.

On motion of Mr. Brown, Mr. Latham, member elect from Cameron, came forward, took the oath of office and his seat.

On motion of Mr. Navarro, Mr. Crawford was excused from attendance on the House on account of sickness.

PETITIONS.

Mr. Witt, presented the petition of sundry citizens of Dallas county praying the passage of a law paying Clerks and Sheriffs' fees in criminal cases where the parties are acquitted; referred to Judiciary Committee.

Mr. Clow, presented the petition of the members of Jackson county agricultural club; referred to committee on State Affairs.

Mr. McKinney of Travis, presented the petition of A. H. Cook; referred to committee on Claims and Accounts.

REPORTS OF STANDING COMMITTEES.

Mr. Dennis, one of the Committee on Judiciary, reported as follows:

The Judiciary committee to whom was referred a resolution instructing said committee to take into consideration the propriety of increasing the pay of Grand and Petit Jurors, while in attendance on the District Court, have considered the same and are of opinion that the pay now allowed jurors is not sufficient to pay their expenses while in attendance of court in discharge of their duties as such. The committee, however, are fully satisfied, that while some of the counties in the State are in a condition to pay their jurors more than is now allowed them, there are many, the pecuniary condition of which, will not justify them in doing so. The committee, therefore, consider it best to submit the matter to the County Courts of the several counties of the State, with authority to increase the pay of their jurors, whenever there are surplus funds in county Treasury. They therefore instruct me to report the accompanying bill and recommend its passage; report received and bill read first time.

Mr. Fisher, Chairman of Committee on Penitentiary made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Penitentiary, to whom was referred the resolution instructing them to inquire into the expediency of leasing the State Penitentiary, have had the same under consideration, and instruct me to report:

That in the absence of all information on this subject or of *data* of any kind on which to base any sensible or satisfactory conclusion respecting this policy, they cannot take definite action touching it at present. The report of the *Financial Agent* of the Penitentiary, we learn, is now in progress, and will soon be forthcoming, which we believe will furnish us with the necessary information to enable us to judge of the propriety of the policy alluded to in the resolution of inquiry before your committee.

Your committee instruct me to say that they regard this as an important question of State policy, and so soon as they can avail themselves of any information from the above source or otherwise, to enable them to arrive at a satisfactory conclusion either *pro* or *con*, they will submit a definite report; report received to come up in its regular order.

Mr. Brown, Chairman of committee on County Boundaries made the following reports:

Reported recommending the passage of a bill to incorporate

the town of Weatherford, with an amendment ; report received.

Reported recommending the passage of a bill to incorporate the town of Greenville ; report received.

And reported a bill to change the name of Taylorville, the county seat of Wise county, to that of Decatur ; report received and bill read first time.

Mr. Ross, Chairman of the committee on Privileges and Elections, made the following report :

TO HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The House committee on Privileges and Elections beg leave to report that they have had under consideration the election contest between Gen. J. M. Lewis, and R. M. Powell Esq., the sitting member from Montgomery county, and after the most candid and impartial investigation of the case, they here report that nothing whatever either of law or fact appeared to the committee invalidating the right of said Powell to hold and continue his seat in this body ; report adopted.

Mr. Hicks, one of the committee on Privileges and Elections, made the following minority report in the case of the contested election of N. Holland of Austin county :

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The undersigned members of the committee on Privileges and Elections, beg leave to make the following minority report relative to the contested seat of N. Holland, the member now sitting from the county of Austin.

They beg leave to state that so far as the facts stated in the report of the majority of said committee are given, they fully concur, but differ with said majority in the conclusion to which they have arrived. It appears from the facts as presented, that the Chief Justice of Austin county refused to receive the votes from the Ulm box precinct, at which box N. Holland received

votes and Evans received votes, which would have given the said Evans, had the same been duly received, a majority of four votes in the county. But having been rejected by the Chief Justice, he had no alternative left him but to issue the certificate of election to the said Holland.

Evans, within the time prescribed by law, gave notice to the said Holland of his intention to contest his seat, and also stated, duly in writing, the grounds on which he relied ; which were—that he had received a majority of the votes of the

county. Said Holland immediately filed his answer to said notice of contest, in writing, stating that even if the said box was admitted, he had still a large majority of the legal votes of the county; and in his answer, proceeded to enumerate some thirty or forty names, which he alleges were so illegal, and that they voted for the said Evans. The committee, after a careful examination, received the votes of the Ulm box, which had been rejected by the Chief Justice, upon the admission of which, Evans was in a majority of four votes.

Commissions had been duly issued to take the testimony of various witnesses, respecting the qualifications of the persons who had been charged to be illegal voters, and from an examination of said answers, it appears that some four or five votes were polled, which, if they had been cast for either Holland or Evans, were, in the opinion of said committee, illegal. And it further appears that the said names, so decided to be illegal, were in the list of names charged in said Holland's answer, to be illegal, and that they voted for the said Evans. But there being no poll books or election tickets before the committee, they were unable to determine for whom they voted—the Chief Justice of said county having neglected to transmit them to the Speaker of the House, as the minority of said committee believe it was his duty so to do. And the said minority are sustained in this opinion by the twenty-first section of the Election Law and Hartley's Digest Article 920, which reads as follows, to-wit: "He (the Chief Justice) shall envelope the same, to-wit—the notice and other papers, together with a copy of the poll book or register of each precinct or county returned to him, and seal the same, writing his name across the seals, and shall address the packet to the Speaker of the House of Representatives, or President of the Senate, as the case may be; and shall forward the same by *mail* to the seat of government so as to reach there before the convening of the Legislature, if possible."

The undersigned are clearly of the opinion, that if the contestant, Evans, should not suffer by the neglect of the ministerial officer in receiving and counting the votes of the Ulm box, so, neither ought the rights of N. Holland, the present holder of the seat, to be jeopardized by the neglect of the Chief Justice in not sending up the poll books and other papers. The minority are aware of no law by which the Chief Justice could be compelled to forward the said documents in advance of the meeting of the Legislature; and that time is a

matter of minor importance in a question of so grave a nature as the right of the legal majority to be heard, in the law-making power of the government.

The minority would, therefore, in view of all the facts, recommend, with all deference to the majority of said committee, that N. Holland, as he now retains his seat by virtue of a legal certificate of election, still retain his seat, and that the Speaker issue his warrant, directed to the proper officer, requiring the Chief Justice of Austin county to forward, forthwith, all the papers necessary to a full and fair examination of the rights of the majority of Austin county, and of the parties concerned in this contest.

H. C. HICKS,
L. F. PRICE.

Mr. Price, one of the committee on Privileges and Elections made the following minority report, in the case of the contested election of Messrs. Holland and Evans from Austin county :

To the HON. W. S. TAYLOR,

Speaker of the House of Representatives:

In the matter of the contest between A. Evans and N. Holland, which has been referred by the House to the committee on Privileges and Elections, the undersigned as one of that committee, begs leave to submit the following minority report:

The undersigned respectfully submits that the Chief Justice of Austin county in view of the law regulating Elections, did right in rejecting the returns from the New Ulm precinct, inasmuch as no single requisition of the law was complied with by the returning officer of said precinct. The facts are these:

The returns were transmitted by mail to the town of Ballville; they were there placed in the hands of a negro slave, who conveyed them to his owner, and he delivered them to the Chief Justice without the affidavit required by law.

The manner of this return in its incipency, progress and completion, was not only without the sanction of law, but in violation of the plain and express provisions thereof.

It is objected to this: That the law is merely directory, and that the rights of parties are not to be jeopardized by the ignorance or carelessness of officers. Concede this point, and the law at once becomes a dead letter upon the statute book. The Legislature surely never intended to enact the solemn farce of spreading upon the statute books of the State, a law plain, simple and explicit in all its provisions and details, and

yet leaving it optionary with the officers charged with its execution, whether or no they would enforce any of its provisions.

And the fact that the returns from the New Ulm precinct were identified and sworn to by the returning officer of that precinct some days or weeks after the Chief Justice had given N. Holland his certificate of election, does not relieve the case of its embarrassments, inasmuch as it is not pretended that there was any such identification or affidavit on or before the regular return day, and consequently nothing to guide the Chief Justice in arriving at the conclusion that the package referred to was in truth and in fact, the returns of said precinct. Being the sworn officer of the law, he could not receive and count returns made in violation of every provision of the law; and no subsequent amendment of them could invalidate the certificate based upon the returns legally made. A contrary doctrine would lead to boundless uncertainty and confusion, and render existing regulations on the subject of elections absolutely nugatory. The law had established the *channel* through which the returns should be made, and fixed with absolute certainty the *time* when they should be opened and *counted*, and the Chief Justice, in the conscientious discharge of his duty, could not receive returns made through another channel, or open and count them at a time other than that prescribed by the law. A necessary conclusion from this would be that an observance of the law regulating elections furnishes the only criterion by which the Chief Justice can be governed in giving his certificate of election, or in arriving at the popular will of the county or district.

If the Chief Justice or others charged with the execution of the law, may disregard one of its provisions, then any or all of them may be disregarded, and the enactment is no longer worthy the name of law. As regards the subject of illegal votes, an examination of the papers disclose the fact, that the parties have made it as much a matter or ground of contest as the improper rejection of the New Ulm returns. An *ultimate* finding of the committee (based upon an examination of one point only of the controversy,) such as that embodied in the first resolution submitted by them in connexion with their report, to say the least of it, is premature and illegitimate, and should have been reached only after a full and patient investigation of each subject matter of controversy between the parties. If the Chief Justice has failed to send up the tickets and copies of poll books, he and he alone is

chargeable with that failure, and Holland's rights should not thereby be sacrificed, since he had and could have no possible control over the matter. The law makes the Chief Justice the custodian of these matters, and his movements in reference thereto, could only be controlled and directed by one who, by law, was clothed with the requisite authority. There is no way by which this officer could be compelled to discharge the duty referred to until after the meeting of the Legislature, and then only upon the requisition of the Speaker of the House. That there were a number of illegal votes polled at the election referred to as charged in Holland's answer, no one, I presume, who has examined the testimony can doubt, and that the only certain means of designating and pointing out those illegal votes, is by an examination of the tickets and poll books, seems to me to be equally clear. Mr. Holland has asked only a reasonable time in which to have this information furnished the committee, and to refuse this, would, to say the least of it, give to the action of the committee the appearance of an unjust and arbitrary haste. And more especially so, since it was decided by the committee that no irregularity or neglect on the part of the officer of the New Ulm precinct should vitiate the returns of that precinct, or operate to the prejudice of Mr. Evans. All of which, with the utmost deference and respect for the opinions of others is respectfully submitted.

L. F. PRICE.

One of the committee on Privileges and Elections.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed, An act to change the time of holding the County court of Upshur County sitting as a Commissioner's court.

Mr. Aycock, chairman of the committee on Public Lands, made the following report:

To HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Public lands, to whom was referred a bill to be entitled An act to repeal an act supplemental to an act for the relief of the citizens of Mercer colony, passed February 2nd, 1850, approved August 30th, 1856, have had the same under consideration, and instruct me to report the accompanying bill as a substitute, and recommend its passage. The reasons that have actuated your committee to make this report, are, that they are advised that great abuses of the privileges given by the law of 1856,

have taken place by persons who *never were* in fact resident citizens of Mercer's colony or the State of Texas.

Mr. Aycock also reported recommending the passage without amendment, of A bill for the relief of settlers in the Mississippi and Pacific Railroad Reserve.

Mr. Buckley, Chairman of Joint Select committee upon memorials from San Saba and other counties, on the part of the House, made the following report:

To HON. W. S. TAYLOR,

Speaker of the House of Representatives :

E. The Joint Select committee to whom was referred the several petitions of the citizens residing on the waters of the San Saba and upper Colorado, together with a message from the Governor, have had the same under consideration, and recommend the following joint resolution, authorizing the Governor to call out a company of volunteers :

On motion of Mr. Buckley the joint resolution was taken up ; read first time, rule suspended, read second time and ordered to be Engrossed ; rule further suspended ; read third time and passed.

On motion of Mr. Wælder, the rule was suspended, and a Bill to be entitled An Act to revive and continue in force and supplementary to An Act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved September 5th, 1850, and the several supplementary and amendatory Acts concerning said Railroad, was taken up and read first time ; rule suspended read second time and passed to a third reading ; rule further suspended, read third time, and passed by the following vote:

YEAS.—Messrs. Speaker, Aycock, Baldwin, Bee, Bishop, Brown, Buckley, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dalrymple, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Hall, Hardeman, Hardin, Harris of Gaudalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Holland of Austin, Holland of Panola, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacey, Lesueur, Lewter, Locke, Lloyd, McKenney of Hopkins, Merriman, Mills, Munson, Murrah, Navarro, Norton, Poag, Powell, Price, Reeves, Rhodes, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Ward, Waterhouse, Witt, and Wood—78.

Mr. Locke, Chairman of the committee on Enrolled Bills, reported correctly Enrolled, a bill to be entitled An Act to legalize transcripts of records of field notes in Fayette County.

The hour having arrived, the House proceeded to take up the special order of the day, viz: The Report of the committee on Privileges and Elections, relative to the contested seat from Austin county, by Messrs. Holland and Evans.

On motion of Mr. Buckley, the report of the minority of said committee was taken up.

Mr. Buckley moved to recommit all the reports to the committee on Privileges and Elections.

On motion of Mr. Howerton, the motion to recommit was laid on the table.

A Message was received from the Senate announcing to the House that the Senate had passed the following Bills originating in the Senate: A bill for the relief of John Barton, and a joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to call upon the United States Government to refund the money heretofore paid out by the State of Texas for the defence of her frontier, since the 28th day of February, 1855. Also the following bill originating in the House: A Bill to be entitled An Act to change the time of holding the County Courts of Upshur county, sitting as a Commissioner's Court.

Mr. Wælder offered the following substitute to the resolution of the committee on Privileges and Elections, relative to the contested seat from Austin county.

Resolved, That Mr. Evans shall be entitled to take his seat in this House on the 21st day of the present month as the Representative of the ——— District, unless Mr. Holland shall, before that day, furnish the evidence of illegal votes cast for Mr. Evans in accordance with his answer; upon which this resolution may be before that time rescinded.

Resolved, That any evidence which may be furnished under the foregoing resolution shall be, when furnished, referred to the committee on Privileges and Elections.

Resolved, That for the purpose of enabling Mr. Holland to procure his evidence, the Speaker is hereby empowered to issue his warrant or warrants to enforce the transmission of such election papers as relate to this case.

On motion of Mr. Lee, the substitute offered by Mr. Wælder was laid on the table by the following vote:

YEAS.—Messrs. Speaker, Aycock, Bishop, Brown, Burks,

Burnett, Carroll, Chilton, Cleveland, Craig, Doom, Evans, Fisher, Gaston, Harris of Gaudalupe, Harris of Titus, Harrison, Haynes of Washington, Henderson of Cass, Henderson of Harris, Holland of Panola, Howerton, Johnson, Lacey, Lee, Locke, Lloyd, McKenney of Hopkins, Merriman, Munson, Rainey, Reeves, Rogers, Ross, Runnels, Scott, Shelton, Smith of Fannin, Upshaw, Walling, Ward, and Wood—42.

NAYS.—Messrs. Baldwin, Barnard, Bee, Buckley, Chance, Clow, Collier, Cooley, Crook, Dalrymple, Dennis, Edwards, Everett, Hall, Hardeman, Hardin, Hart, Haynes of Starr, Hicks, Higgins, Jennings, Joseph, Kinney, Kirk, Kittrell, Lesneur, Lewter, McKinney of Travis, Mills, Murrah, Navarro, Norton, Poag, Price, Roberts, Shannon, Smith of Orange, Tait, Wælder, and Waterhouse—40.

On motion of Mr. Brown, the report and resolutions of the majority of the committee on Privileges and Elections was adopted by the following vote:

YEAS—Messrs. Speaker, Aycock, Baldwin, Bishop, Brown, Burks, Burnett, Carroll, Chilton, Cleveland, Collier, Craig, Doom, Evans, Fisher, Gaston, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Howerton, Johnson, Kittrell, Lacey, Lee, Lewter, Locke, Lloyd, McKenney of Hopkins, Merriman, Mills, Munson, Rainey, Reeves, Rogers, Ross, Runnels, Scott, Shelton, Smith of Fannin, Upshaw, Walling, Ward, Witt, and Wood—48.

NAYS.—Messrs. Barnard, Bee, Buckley, Chance, Clow, Cooley, Crook, Dalrymple, Dennis, Edwards, Everett, Hall, Hardin, Harrison, Hart, Hicks, Higgins, Jennings, Joseph, Kinney, Kirk, Lesneur, McKinney of Travis, Murrah, Navarro, Norton, Poag, Price, Rhodes, Roberts, Shannon, Smith of Orange, Tait, Wælder, and Waterhouse—35.

Mr. Runnels moved to adjourn until 3 o'clock, P. M., to-day—lost.

The resolution then relating to the exchange of the Enrolling and Engrossing Clerks of the House of Representatives was taken from the Speaker's table, when Mr. Chilton, by leave, withdrew the same. Mr. Johnson one of the committee on engrossed bills, reported correctly engrossed the following bills viz :
A bill to be entitled an act to authorize and require all forced sales of real estate or negroes made by executors and administrators in the county of Travis, to be made on Congress Avenue, at the south east corner of block no. 70, and al-

so a bill to be entitled an act, to release William Wallace Gordon from minority.

Mr. Lee offered the following resolution, which on motion of Mr. Brown, was postponed until to-morrow (Friday) at 11 o'clock, A. M.

Resolved, That the committee on Printing be authorized to contract for the printing of one thousand copies of the reports of the Trustees of the Institutions for the instruction of the Deaf and Dumb and of the Blind, for the use of the House, and five hundred for the institutions, said five hundred copies to be put up in neat pamphlet form.

A message was received from the Senate announcing to the House that the Senate had appointed Messrs. McCulloch and Britton, a committee on the part of the Senate, to act with the committee on the part of the House, to take into consideration the propriety of reporting a bill for the protection of Stock Raisers.

On motion of Mr. Brown, the House adjourned until 10 o'clock A. M. to-morrow.

AUSTIN, NOVEMBER 13th, 1857.

House met pursuant to adjournment—Roll called quorum present.

Journal of yesterday read and adopted.

A message was received from his Excellency the Governor.

Mr. Howerton, presented the petition of Polly Guthrie; referred to committee on Private Land Claims.

Mr. McKinney of Travis presented the petition of Charles Sheppard; referred to committee on Public debt.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, chairman of committee on public land claims reported recommending the passage of a bill for the relief of Jacob Becker; report received.

Mr. Chilton, one of the committee on Private Land Claims made the following report:

To HON. W. S. TAYLOR,

Speaker of the House of Representatives:

Your committee on private lands claims, to whom was referred a bill for the relief of Louisa Warren, have had the same under consideration, and after a due and careful consideration of all the testimony furnished ask to report, that they

are of opinion the relief sought should be extended, report the bill back to the House and recommend its passage; report received.

Mr. Bee, chairman of the committee on State Affairs, reported back the report of the Commissioner of Claims to the House, and recommended its reference to a joint select committee and asked to be discharged from the further consideration of the same.

On motion of Mr. Brown, the rule was suspended, report taken up and adopted.

Also reported recommending the reference of a resolution instructing the committee on State Affairs to inquire into the expediency of suspending or repealing the Estray Law to the joint select committee on Stock; report adopted.

And reported recommending the passage of a bill concerning the county courts of this State, with the following amendment.

1st amendment, After "practical" fourth line, 1st section, insert "having regard to population."

2nd amendment, Insert after "and" second line, 3rd section, the words "all laws and parts of laws conflicting with this act be and the same are hereby repealed;" report received.

Mr. Hardin, chairman of committee on Land Office, reported as follows:

To HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Land Office were instructed by a resolution of the House, to inquire into the propriety of requiring the Land Office to be kept open for the transaction of business from their present hour of opening until 5 o'clock, P. M., which subject the committee have had under consideration, and instruct me to report against the object contemplated by the resolution. The committee are of opinion that it would make but little difference as regards the dispatch of business in the office; for the clerks do not stop for dinner until after 3 o'clock P. M., whereas if required to keep open until 5 o'clock, P. M., they would take their dinner at the usual dining hour, and lose as much time as is now lost by closing at 3 o'clock. The committee, therefore, ask to be discharged from further consideration of the subject; report received.

Mr. Johnson, one of the committee on engrossed bills, reported correctly engrossed a bill to authorize the Governor to

raise and muster into the service of the State a company of one hundred mounted men ; report adopted.

Mr. Jennings, Chairman of committee on the Judiciary, reported as follows :

The committee on the Judiciary, have considered the resolution instructing them to inquire into the propriety of paying witnesses, when appearing before Grand Juries, and instruct me to report that in their judgment the object contemplated therein is not compatible with sound policy, and your committee ask to be discharged from further consideration of said resolution ; report received.

On motion of Mr. Loyd, Mr. Lacey, was excused from attendance on the House, on account of indisposition.

On motion of Mr. Gaston, Messrs. Craig and Locke were added to the committee on Roads, Bridges and Ferries.

On motion of Mr. Kittrell, Mr. Baldwin was added to the committees on Public Debt, State Affairs and Penitentiary.

On motion of Mr. Collier, Mr. Doom was added to the committee on Finance ; Mr. Henderson of Cass, was added to Finance Committee ; Mr. Henderson of Harris, added to committee on Public Debt ; Mr. Barnard added to the committee on Counties and County Boundaries ; Mr. Munson added to committee on Judiciary ; Mr. Craig, added to committee on Education ; and Mr. Poag, added to committee on Education.

Mr. Howerton, offered the following resolution :

Resolved, That the committee on Enrolled bills, be required to enquire into the fact, whether Alf. Davis, Enrolling Clerk of the House of Representatives, is performing the services of his office in person, or is employing Mr. Quintero to perform the same, for which he is paying him one-half the per diem he, Davis receives and report the fact to this House. Laid on the table.

Mr. Kittrell in the Chair—Mr. Taylor introduced a bill for the relief of certain counties therein named—read first time.

Mr. Mills introduced a bill to amend an act to authorize the cancellation of patents in certain cases, passed Feb. 3rd 1854—read first time.

Mr. Brown offered the following resolution :

Resolved, That the committee on Education be instructed to inquire into the expediency of this State aiding private enterprises, in forwarding and endowing at some point on our coast, an Academy or College, devoted to imparting instruction in Marine, Navigation, Commerce, Shipbuilding and Mechanics. The aid of the State to be granted on condition, that individ-

ual enterprise shall contribute a certain proportion towards the object, and that they report by bill or otherwise. Adopted.

Mr. Locke introduced a bill supplemental to and amendatory of an act, approved Feby. 4, 1854, authorizing and requiring the county courts to regulate roads, appoint overseers, &c., read first time.

Mr. Wood introduced a bill supplemental to and amendatory of an act to provide for the assessment and collection of taxes passed Feby. 12, 1850—read first time.

Mr. Ross moved a re-consideration of the vote, adopting the report of the majority of committee on Privileges and Elections, on the matter of contest between Messrs. Evans and Holland.

Mr. Rainey moved to lay the motion to re-consider on the table: whereupon the yeas and nays were called, and the House refused to lay the motion on the table by the following vote:

YEAS—Messrs. Bishop, Burks, Chilton, Harris of Titus, Haynes of Starr, Howerton, McKenney of Hopkins, Merriman, Munson, Rainey, Runnels and Smith of Fannin.

NAYS—Messrs. Speaker, Aycock, Baldwin, Barnard, Bee, Brown, Buckley, Carroll, Chance, Cleaveland, Clow, Collier, Cooly, Craig, Crook, Dennis, Doom, Edwards, Evans, Everett, Fisher, Gaston, Hall, Hardeman, Hardin, Harris of Guadeloupe, Harrison, Hart, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Jennings, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lescur, Lewter, Locke, Loyd, McKinney of Travis, Murrah, Navarro, Norton, Poag, Price, Reeves, Rhodes, Roberts, Rogers, Ross, Scott, Shannon, Shelton, Smith of Orange, Tait, Upshaw, Walling, Ward and Waterhouse—65.

The question then recurring upon the reconsideration of the vote, the same was put and the vote re-considered, and on motion of Mr. Jennings, the three reports and all the papers were re-referred to the committee on Privileges and Elections.

Mr. Evans introduced the following resolution:

Resolved, That the committee on State Affairs, be and they are hereby instructed to inquire into the propriety or necessity of this body making provisions for causing an enumeration to be made of all free inhabitants (Indians not taxed, Africans and descendants of Africans excepted) of the State, designating particularly the number of qualified electors, for the year 1858, as provided by the Constitution of the State, and report by bill or otherwise. Adopted.

Mr. Howerton offered the following resolution :

Resolved, That the joint committee on Stock and Stock Raisers, be instructed to enquire into the propriety of amending the present laws, so as more effectually to prevent the burning of the woods and prairies at all seasons of the year. Adopted.

Mr. Higgins offered the following resolution :

Resolved, That the committee on Slaves and Slavery, be requested to inquire into the expediency of enacting more efficient laws in regard to patrols, and report by bill or otherwise. Adopted.

Mr. Gaston introduced a bill to prevent the spread of diseases among horses and other animals—read first time.

Mr. Navarro introduced a bill to amend the 7th. and 8th. Sections of an act to ascertain the legal claims for land and money against the State, passed Aug. 1st. 1856, and providing a mode of ascertaining the legal claims for land against the State—read first and second times, and referred to a joint select committee.

Mr. Lewter introduced a bill to provide for paying for printing Governor's proclamations—read first time.

Mr. Hicks introduced a bill to relieve James C. Everett from the disabilities of minority—read first time.

Mr. McKenney of Hopkins, introduced a bill to legalize Hopkins county land District and surveys made therein—read first time.

Mr. Cleaveland offered the following resolution :

Resolved That the Judiciary committee, be instructed to inquire into the expediency of passing a law, requiring land holders to have the field notes, transfers and title deeds of their lands recorded in the counties where their lands are situated—adopted.

Mr. Burnet offered the following resolution :

Resolved. That a committee of five, three from the House and two from the Senate, (the Senate concurring) be appointed, whose duty shall be to visit the Penitentiary at Huntsville, and examine into the condition of the same, and report to the Legislature during the present session—rejected.

Mr. Haynes of Starr, introduced a bill to relinquish the State taxes for the years 1858 and '59, to certain counties—read first time.

Mr. Wood introduced a bill, fixing a jury fee in suits in the District Courts of this State, and time of payment—read first time.

Mr. Hicks offered the following resolution :

Resolved, That the committee on State Affairs be requested to inquire into the expediency of reducing the State tax, and permitting the county courts to increase the county tax to an equal amount with the State tax. The increase or reduction of the county tax to be in the discretion of the County Courts—report by bill or otherwise. Adopted.

On motion of Mr. Jennings, Mr. Poag was added to the committee on Judiciary.

Mr. Runnels offered the following resolution :

Resolved, That the committee on State Affairs be instructed to inquire into the expediency of a law regulating weights and measures. Adopted.

On motion of Mr. Hicks, Mr. Jennings was added to the committee on Privileges and Elections.

The following communication from his excellency, the Governor, was taken from the Speaker's table, read, and on motion of Mr. Wælder referred to a joint select committee of both Houses to be appointed : (See Appendix.)

The following orders of the day and bills from the Speaker's table were taken up : "An Act authorizing the clerk of the District court of Fayette county to transcribe certain Records therein named." Read and ordered to be engrossed.

"A bill to be entitled An act for the relief of pre-emption settlers. Read and 100 copies of the bill were ordered to be Printed by the following vote :

YEAS—Messrs. Bishop, Brown, Buckley, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Dennis, Fisher, Hardeman, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Howerton, Jennings, Joseph, Kinney, Kirk, Kittrell, Lacy, Lee, Locke, McKenney of Hopkins, McKinney of Travis, Merriman, Munson, Murrah, Navarro, Powell, Price, Rainey, Rogers, Ross, Smith of Orange, Upshaw, Wælder, and Ward—44.

NAYS—Messrs. Speaker, Aycock, Baldwin, Bee, Burks, Burnett, Carrol, Chance, Crook, Dalrymple, Doom, Evans of McLennan, Everett, Gaston, Hall, Harris of Guadalupe, Harris of Titus, Lesneur, Lewter, Lloyd, Norton, Reeves, Rhodes, Roberts, Runnels, Shannon, Shelton, Smith of Fannin, Tait, Walling, Waterhouse, Witt, and Wood—33.

On motion of Mr. Brown, Mr. Wælder was added to the committee on State Affairs.

On motion of Mr. Chilton, Mr. Rainey, was added to the committee on Public Lands.

"A bill for the relief of the Galveston, Houston and Henderson Railroad Company, and in amendment of the act of incorporation thereof of the acts amending the same and in addition thereto." On motion of Mr. Brown, the Senate's bill was substituted for the House bill, and the same was made the special order of the day for Thursday next, at 11 o'clock A. M.; and on motion of Mr. Rainey, 100 copies of the Senate bill ordered to be printed for the use of the House.

"A bill to be entitled An act to incorporate the Casino Association of San Antonio." Read and ordered to be engrossed.

"A bill for the relief of Jim Shumate;" read second time; Mr. Chilton moved to amend the bill by adding the name of Moses Evans of Smith county. On motion of Mr. Jennings, the bill and amendment laid on the table.

"A joint resolution concerning a tri-weekly mail stage route from Tyler to Waxahachie;" read and several amendments being offered, on motion of Mr. Kittrell, the resolution and amendments were laid on the table.

Mr. Locke, chairman of the committee on Enrolled Bills, reported correctly enrolled and presented to the Governor for his signature; "A bill to be entitled An Act to change the time of holding county courts of Upshur county, sitting as a commissioner's court."

A message was received from the Senate, announcing to the House that the Senate had passed "A bill to be entitled An act to provide for the payment of three companies of minute men, commanded by Captains John W. Sansom, John D. Davenport, and Reading W. Black,"—originating in the Senate; and

"An act for the relief of Benjamin F. Ellis,"—originating in the Senate; and

That the Senate had passed a resolution appointing Messrs. Herbert, Taylor of Cass, and McCulloch a committee on the part of the Senate to consider the necessity of furnishing means to the counties of the State that have failed to make crops for the last two years, and report by bill or otherwise, and request the appointment of a like committee on the part of the House to act in conjunction with them. Also,

That the Senate had passed a resolution appointing Messrs. Guinn, Stockdale and Throckmorton, a committee on the part

of the Senate, to investigate all land claims and money claims recommended or referred, on their merits, to the Legislature by the Court of Claims, and report by bill or otherwise, and request the appointment of a like committee on the part of the House, to act in conjunction with said committee. And,

That the Senate had passed a substitute for the House's bill authorizing the Governor to raise and muster into the service of the State a company of 100 mounted men. And,

That the message of the Governor relative to the lawless attacks of certain parties upon citizens of Mexican origin, engaged in transporting merchandise from Port Lavacca to San Antonio, had been referred to the committee on State Affairs in the Senate, and requesting that the committee to which it might be referred in the House, should act in conjunction with said committee upon the subject matter of the same.

On motion of Mr. Henderson of Cass, Mr. Runnels was added to the committee on State Affairs.

On motion of Mr. Craig, the House adjourned until 10 o'clock A. M., to-morrow.

AUSTIN, Nov. 14th, 1857.

House met pursuant to adjournment, roll called, quorum present, journal of yesterday read and adopted.

PETITIONS:

Mr. Howerton presented the petition of Jno. P. Arrington, referred to Judiciary committee.

Mr. Brown presented the petition of James Sorley and others: referred to committee on Slaves and Slavery.

Mr. Bee presented the petition of Jose M. Gonzales; referred to committee on Private Land Claims.

Mr. Edwards presented the petition of James Curry & Sons; referred to committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, chairman of committee on Public Debt, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Debt, to whom was referred the petition of the widow of the late A. C. Hinton of the Texas

Navy, praying for relief, have examined the same, and have instructed me to say that they deem the claim set forth in the petition and accompanying bills as one coming within the province of the Court of Claims, and properly referable to the same; they therefore, ask to be excused from the further consideration of the same; report received.

Mr. Waelder, chairman of a select committee, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee who were appointed to request of the Hon. John Hemphill, a copy of his Eulogy upon the life and character of the late Genl. Thomas J. Rusk, delivered in the House of Representatives on the 7th. inst., respectfully report, that they have requested and received a copy of the eulogy, and that their note of request, Judge Hemphill's reply, and the eulogy have been handed to the State Printer; with instructions to print five thousand copies thereof, agreeable to the resolution of the House; report accepted.

On motion of Mr. Jennings, the vote laying a bill with report for the relief of Jim Shumate, was reconsidered, and report and bill placed among the orders of the day.

Mr. Brown, one of the committee on Privileges and Elections, reported as follows:

AUSTIN, November 14th. 1857.

Hon. Wm. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Privileges and Elections, to whom was re-committed the contested case from Austin county, together with the additional testimony received by the House since the previous report of the committee, awarding the seat to Mr. Evans, have made a thorough investigation into the facts, and instruct me to report, in addition to what was formerly submitted:

That the committee first determined upon the testimony before them: that of the whole number of votes challenged by the contestants, 18 were not qualified to vote for representative. They then proceeded to a comparison of the poll books and tickets, to ascertain whether these 18 persons voted for representative; and if so, for which of the contestants.

In this way it was proven that 8 of the 18 did not vote for representative—that Mr. N. Holland received the votes of 8

and that Mr. Alfred Evans received the votes of two of said illegal number. Making, therefore, the corresponding deductions from the aggregate vote cast for each party in the entire county, (336 for Evans and 332 for Holland,) it proves that Mr. Evans received in the whole county 334 legal votes and Mr. Holland 324 legal votes; showing that Mr. Evans was legally elected by 10 votes.

The committee, therefore, submit the accompanying resolutions and recommend their adoption.

Resolved, That Alfred Evans is legally entitled to a seat in the House of Representatives of the seventh Legislature of this State as a Representative from Austin county.

Resolved, That the Chief Clerk be instructed to issue to N. Holland, the late sitting member, a certificate of mileage in coming to and returning from the Seat of Government, and for per diem pay to this date; report received.

Report and resolutions taken up and adopted.

Mr. Buckley introduced a bill to incorporate the Richmond Masonic Hall Association in Fort Bend county; read first time.

Mr. Waelder introduced a bill to incorporate the Fire Association of San Antonio; read first time.

Mr. Chilton introduced a bill to regulate the pay of grand and petit juries in the county of Smith; read first time.

Mr. Scott introduced a bill to amend the 6th section of an act to raise revenue by taxation, passed March 20th 1848, read first time.

Mr. Navarro offered the following resolution:

Resolved, That three thousand copies of the special message of the Governor and accompanying documents in relation to the recent outrages committed on persons engaged in the transportation of merchandize in some of the Western counties, be printed for the use of the House, and also that fifteen hundred copies of the same be translated and printed in the Spanish language, and one thousand copies in the German language.

Mr. Norton offered the following amendment, "Strike out 1000 in the German and 1500 in the Spanish languages," amendment rejected; question recurring on the adoption of the Resolution, the same was put and the resolution adopted.

On motion of Mr. Kirk, Mr. Harris of Guadalupe was excused from attendance on the House on account of indisposition.

On motion of Mr. Lewter, Mr. Hart was excused from attendance on the House on account of indisposition.

Mr. Witt offered the following resolution, which was adopted:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of the passage of a law requiring that the Judges of the several Judicial Districts of this State be furnished with decisions of the Supreme Court complete, and that they report by bill or otherwise.

Mr. Burnet introduced a bill to be entitled an act to amend the 20th. section of an act entitled an act to organize county-courts; approved March 16th. 1848, read first time.

Mr. Rogers offered the following resolution:

Be it Resolved, That the committee on Stock and Stock Raising be requested to take into consideration the propriety of passing a law, prohibiting any person from posting any animal bearing a mark or brand upon record in the county in which said posting is proposed, and that they report by bill or otherwise; adopted.

Mr. Dennis introduced a joint resolution, proposing an amendment to the Constitution of the State, so as to give to the Legislature the power to create bodies corporate, with banking and discounting privileges; read first time.

Mr. McKinney of Travis, introduced a bill for the relief of Q. J. Nichols; read first time.

Mr. Mills introduced a bill to amend an act to regulate proceedings in the District courts, passed 13th. May 1846; read first time.

Mr. Walling introduced the following joint resolution:

Be it resolved, that the present Legislature do by this resolution, adjourn *sine die* on the 24th December next.

On motion of Mr. Chilton, resolution laid on the table.

On motion of Mr. Lee, the vote taken on yesterday, refusing to send a committee of 3 on the part of the House and 2 on the part of the Senate, to visit the Penitentiary at Huntsville and examine into the condition of the same, was reconsidered, and on motion of Mr. Brown, postponed until this day two weeks.

Mr. Haynes of Starr introduced a bill to be entitled an act to relinquish the right of the State to certain lands therein named, read first time.

On motion of Mr. Ward the rule was suspended and a bill originating in the Senate for the relief of John Barton was ta-

ken up, and read first time, rule suspended, read second time.

Mr. Jennings moved to refer it to the committee on Private Land Claims; lost. The question being on a passage of the bill to a third reading, the same was put and lost.

Mr. Henderson of Harris, then renewed the motion to refer the bill to the committee on Private Land Claims, carried.

ORDERS OF THE DAY.

The Senate's substitute for a bill originating in the House, to authorize the Governor to raise and muster into the service of the State a company of one hundred mounted men, taken up; read first time, rule suspended; read second time, and passed to a third reading; rule further suspended; read third time and passed.

A bill for the relief of James Strange, with a favorable report from the committee on State Affairs taken up. Bill read second time. Mr. Lee proposed to amend by adding the name of John Fuller; lost, and bill ordered to be engrossed.

A bill to incorporate the town of Bonham, with a report from Committee on State Affairs recommending an amendment, taken up; report adopted, and bill ordered to be engrossed.

A report from the Judiciary committee, recommending the passage of two bills to severally authorize the clerks of the County Courts of Fayette and Johnson counties to transcribe certain records, taken up. Report adopted; bills ordered to be engrossed.

A bill for the relief of J. S. Miny, with report from committee on State Affairs, taken up. Mr. Wood moved to lay the bill and report on the table; lost. Bill read second time and ordered to be engrossed.

A bill to authorize the clerk of the County Court of Grayson county to transcribe certain records, taken up. Bill read second time and ordered to be engrossed.

On motion of Mr. Bee, Mr. Clow was added to the committee on Engrossed Bills.

A report from the Judiciary committee, recommending a substitute for a bill to admit W. H. Burkhardt to practice law in this State, taken up. Report adopted, and substitute ordered to be engrossed.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for the Governor's signature, a bill to revive and continue in force,

and supplementary to and amendatory of An Act to incorporate the Sana Antonio and Mexican Gulf Railroad Company, approved September 1850, and the several supplementary and amendatory acts thereto. Report accepted.

A bill to organize the seventeenth Judicial District taken up and read second time.

Mr. Jennings offered the following resolution:

Resolved, (The Senate concurring) That the Judiciary committee of that body form a joint committee with that of the House on the subject of forming new Judicial Districts, and of changing the present Districts.

Mr. Wood proposed to amend by raising a special committee of two members from each of the Judicial Districts of the State on the part of the House.

On motion the House adjourned till Monday morning, 10 o'clock—pending Mr. Wood's amendment.

AUSTIN, Nov. 16th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of Saturday, 14th inst., read and adopted

PETITIONS.

Mr. Henderson of Harris, presented the petition of James Morgan; referred to the committee on Private Land Claims.

Mr. Howerton presented the petition of F. L. Mudd; referred to the committee on Private Land Claims.

Mr. Lesueur presented the petition of sundry citizens of Robertson and other counties; referred to Judiciary committee.

Mr. Price presented the petition of Wm. F. Hodge; referred to the committee on Private Land Claims.

Also, the petition of the heirs of J. W. Burton; referred to the committee on Claims and Accounts.

Mr. Brown presented the petition of John G. Tod, late of the Texas Navy; referred to the Committee on Federal Relations.

Mr. Howerton presented the petition of Thos. A. Hester and others; referred to Judiciary committee.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, Chairman of committee on Education, reported a Bill to incorporate Colorado College, in Colorado county, and recommended its passage; report received, and Bill read first time.

Mr. Buckley, Chairman of committee on Private Land Claims, reported, recommending the passage of a Senate Bill for the relief of John Barton, with the following amendments: In the last line but one, between the words "Law" and "and" the words, "provided, he has not heretofore received a head-right certificate." Report received.

Mr. Rhodes, one of the committee on Claims and Accounts, made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the petition of Henry Cook, of Navarro county, have had the same under consideration, and have authorized me to report conclusions arrived at: The facts go to show that the said Henry Cook has a son mentally deranged, and that in consequence of his derangement, has had him conveyed to the Insane Asylum at Nashville, Tenn., for the purpose of having him restored to reason; and that in so doing, the said Henry Cook has expended several hundred dollars, and now asks the Legislature to refund this sum of money to him. It was also shown that the said Cook was perfectly competent to provide for the maintenance of his son.

The facts, therefore, being duly considered, the committee are of opinion that petitioner has no right to expect a remedy for the sums of money expended as above stated, from this Legislature.

The committee have, therefore, authorized me to report the said petition back to the House, and recommend that no further action be taken in the premises, and ask to be discharged from the further consideration of the petition. Report adopted.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly engrossed, a bill to incorporate the Casino Association of San Antonio, and a bill to authorize the clerk of the District Court of Fayette county to transcribe certain Records therein named. Report accepted.

A message was received from the Senate, announcing to the House the passage by that body of the following bills, originating in the Senate:

A bill to definitely define the northern boundary line of the Mississippi and Pacific Railroad Reserve.

A bill to incorporate the Casino Association of San Antonio.

A bill to amend the 33d section of An Act to regulate the

proceeding in the County Court pertaining to estates of deceased persons, passed March 20, 1848.

And a bill to allow C. H. Nimmon to adopt two illegitimate children.

Also the following bills, originating in the House:

A bill to authorize the clerk of the County Court of Dallas county to transcribe certain records therein named.

And a bill making an appropriation of fifteen thousand dollars to defray the contingent expenses of the seventh session of the Legislature, with an amendment.

And a bill, originating in the Senate, amendatory of An Act to incorporate the European and American Colonization Society in Texas.

BILLS AND RESOLUTIONS.

Mr. Evans of McLennan introduced a joint resolution requesting the Governor to send a company of mounted volunteers to the protection of the counties of Coryell, Comanche, Bosque, Erath, Palo Pinto, and Lampasas. Read first time.

Mr. Jennings moved to lay the resolution on the table; lost.

Mr. Evans moved a suspension of the rule to put the bill on a second reading; lost.

Mr. Runnels offered the following resolution:

Resolved, That the Judiciary committee be requested to inquire into the necessity of a law making it a penal offence for an Administrator, Executor or Guardian to swindle an estate; adopted.

Mr. Ward introduced a bill to amend the twelfth section of An Act regulating elections, passed March 16, 1848; read first time.

Mr. Reeves introduced a bill to amend An Act for the relief of Levi Korn; read first time.

Mr. Dennis introduced a bill providing for entering satisfaction of mortgages and deeds of trust; read first time.

Mr. Buckley introduced a bill concerning surveys of land—a bill to prohibit certain officers from taking land as fees of office—and a bill to provide for the registration of deeds, &c., to land, certificates and floating claims to land; bills read first time.

Mr. McKinney of Travis introduced a joint resolution to authorize the commissioner of Court of Claims to employ two additional clerks; read first time.

Mr. Ross offered a resolution to require the Judiciary com-

mittee to inquire into the expediency of an entire repeal of the Community Property Law, and report by bill or otherwise; adopted.

Mr. Edwards offered the following resolution:

Resolved, That the committee on Roads, Bridges and Ferries, be instructed to inquire into the necessity of making bridges and ferries free to all citizens of the county in which they are established, and report by bill or otherwise; adopted.

Mr. Hall introduced a bill to organize the county of Presidio; read first time.

Mr. Howerton, by leave, presented the petition of C. K. Ham and wife. Referred to committee on Private Land Claims.

Mr. Lee offered the following resolution:

Resolved, That there shall be printed for the use of the Institutions, five hundred copies of each of the reports of the officers of the Asylums for the Deaf and Dumb and Blind, to be put up in neat pamphlet form. Adopted.

ORDERS OF THE DAY.

Mr. Wood, by leave, presented the petition of sundry citizens upon the subject of forfeitures; referred to Judiciary committee.

Question pending when the House adjourned on Saturday, viz: Mr. Wood's substitute to a resolution offered by Mr. Jennings, pending a bill to organize the seventeenth Judicial District, taken up and adopted; and on motion of Mr. Evans, the bill was referred to the Judiciary committee.

A bill requiring forced sales of real estate and slaves to be advertised in newspapers, with a favorable report from Judiciary committee, taken up.

Mr. Murrah proposed to amend the bill as follows, to come in at the end of the second section: "Provided that the owner of the property thus seized shall have the option to determine for himself, whether the sale of such property shall be published in newspapers, or as the law now requires: and provided further, that it shall be the duty of the Sheriff to require of the owner of the property thus seized, how he wishes the publication to be made, and to endorse the same on the execution, together with the levy: and provided further, that sales of property owned by persons either absent from or non-residents of the State, shall be advertised in a newspaper. Adopted.

Mr. Henderson of Harris proposed to amend as follows:

Sec.—Be it further enacted, that the provisions of this bill shall also apply to all sales made by guardians and administrators; adopted.

Mr. Locke offered the following amendment:

‘Provided the printer’s charge shall not exceed the usual rates of advertisements; rejected.

Mr. Jennings offered the following amendment:

“And provided further, that the publishers of newspapers shall not require payment for such advertisement in advance, but shall be paid therefor out of the proceeds of the Executions;” adopted.

The bill as amended, was then ordered to be engrossed.

On motion of Mr. Brown, Mr. Evans of Austin was added to all the committees upon which Mr. Holland of Austin had been placed, except the Judiciary.

On motion of Mr. Ward, Mr. Henderson of Cass was excused from attendance on the House on account of sickness.

On motion of Mr. Buckley, Mr. Howerton was added to the committee on County Boundaries.

The hour having arrived, the Special order of the day was taken up, viz: the report of the chairman of the committee on Education relative to the establishment of one or more State Universities.

Mr. Chilton, one of the committee on Education, by leave, made the following minority report:

AUSTIN, Nov. 16, 1857.

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The undersigned members of the committee on Education, to whom was referred the propriety of establishing two State Universities, in view of the fact that a majority of said committee has instructed its chairman to report unfavorably as to the establishment of more than one State University, and in further view of the fact that the chairman of said committee has heretofore submitted his report in conformity with his instructions, in which he very ably and fully presents the great necessity of the establishment of a vigorous system of education in the State—in all of which the undersigned fully concurs, but would, with much deference to the expressed opinion of the majority with reference to the number of Universities to be established, respectfully submit this their minority report.

Your committee-men are painfully aware of the fact, that there is a growing spirit of alienation of feeling between the two geographical divisions of this State, and that there are those, who, your committee-men charitably believe, from mis-conceived views with reference to the policy of the State, are busily engaged in preparing the minds of the masses of each section to entertain a proposition for the division of the State; and your committee-men being fully impressed with the deplorable consequences which would result from any system of legislation which bears the semblance of partiality, and the immediate necessity for the adoption of some system by which an impartial bestowment of Legislative benefits may be had, and a community of feeling and interest between the two sections permanently established, and being fully convinced that the facilities for education will not be impartially extended to the youths of the two sections by the establishment of only one State University, but believing that the State of Texas is amply able to establish, endow, and hold under the protection of her fostering hand, *two* Universities, and believing that such an establishment would be eminently promotive of the people's interest and the cause of education in our State, would submit the following resolution, and respectfully recommend its adoption:—

Resolved, That the committee upon Education be instructed to prepare and report a bill, providing for the establishment of *two State Universities*, to be conveniently located—one at some point east of the Trinity river, the other at some point west of said river—to be hereafter determined.

G. W. CHILTON,

One of the Committee.

On motion of Mr. Murrah, the consideration of the reports was postponed until Monday next, the 24th inst., at 10 1-2 o'clock A. M.

On motion of Mr. Kinney, the House adjourned until 10 o'clock A. M., to-morrow.

AUSTIN, Nov. 17, 1857.

House met pursuant to adjournment, roll called, quorum present, journal of yesterday read and adopted.

Mr. Henderson of Harris in the chair.

The following committees were announced:

Committee on Governor's message, relative to Cart difficulties: Mr. Wælder, chairman, Messrs. Barnard, Clow, Hall and Crawford.

Joint committee on Court of Claims.

Mr. Lee, Chairman, Messrs. Shannon, Wood and Everett.

Committee on Judicial Districts:

1st. District	Mr. Buckley, Chairman, Munson,
2d. " "	Messrs. Higgins and Lee.
3rd. " "	Haynes of Washington and Evans of M.
4th. " "	Wælder and Cooley.
5th. " "	Doom and Waterhouse.
6th. " "	Poag and Ross.
7th. " "	Henderson and Joseph.
8th. " "	Ward and Harris of Titus.
9th. " "	Rainey and Everett.
10th. " "	Howerton and Mills.
11th. " "	Mr. Hall.
12th. " "	Merriman and Haynes of Starr.
13th. " "	Wood and Aycock.
14th. " "	Kinney and Barnard.
15th. " "	Cleaveland and Smith of Orange.
16th. " "	Witt and Shannon.
17th. " "	Mr. Dalrymple.

PETITIONS.

Mr. Ross presented the petition of Jesse Walling; referred to committee on Private Land Claims.

Mr. Buckley presented the petition of John Rankin and others; referred to committee on Private Land Claims.

Mr. Aycock presented the petition of John Marlin; referred to committee on Claims and Accounts.

Mr. Hart presented the petition of the heirs of Martin Winne; referred to committee on Private Land Claims.

Mr. Shannon presented the petition of Wilson Ward; referred to committee on Private Land Claims.

Mr. Dalrymple presented the petition of the heirs of Robert Love; referred to committee on Private Land Claims.

Mr. Shannon presented the petition of sundry citizens of Ellis county; referred to committee on Slaves and Slavery.

Mr. Higgins presented the petition of James A. Yeomans; referred to committee on Private Land Claims.

On motion of Mr. Shelton, Mr. Crook was excused from attendance on the House on account of indisposition.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, chairman of committee on Private Land Claims reported a bill for the relief of Zippoe Whitesides, widow of Henry Whitesides; report received and bill read first time.

Also reported a bill for the relief of Lazaro Garza; report received and bill read first time.

Mr. Wood one of the committee on Private Land Claims, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Private Land Claims, to whom was referred the petition of Jno. J. E. Gregory, have directed me to report as follows:

The committee find that the petitioner is a pre-emption settler under the law of Feby. 7, 1853, and who, though he has complied with the provisions of said act in every respect, except the return of his field notes, within the time prescribed; yet in consequence of said failure he cannot get his patent. No other person has located the land. Under the circumstances they believe that the petitioner ought to have his land. Deprecating special legislation and believing that there are many others in the like condition of Mr. Gregory, and as much entitled to relief; and as it has been the policy of the Legislature heretofore to extend the time for returning field notes, they beg leave to present the accompanying bill and recommend its passage, believing that it will reach Mr. Gregory's case and all others in a similar condition; report received, and bill read first time.

Mr. Howerton one of the committee on Private Land Claims reported a bill for the relief of C. K. Ham and wife; report received and bill read first time.

Mr. Hall, one of the committee on Private Land Claims made the following report:

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Private Land Claims to whom was referred the petition of Joseph Baker, have had the same under consideration; and have instructed me to report the accompanying bill for his relief and recommend its passage; report received and bill read first time.

Mr. Bee, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
Austin, Nov. 15th, 1857. }

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on State Affairs, herewith report a bill to provide for a Geological and Mineralogical Survey of the State, and recommend its passage; bill read first time, rules suspended, read second time, and 200 copies ordered to be printed.

Mr. Aycock, one of the committee on State Affairs, reported adversely to the petition of the property-holders and citizens of the city of Galveston, praying an extension of the limits of the city corporation.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed, a bill to be entitled an act to allow James Strange to pursue the occupation of a pedlar.

A bill to be entitled an act for the relief of J. S. Ming.

A bill to be entitled an act to admit William H. Burkhart to practice law in the courts of this State.

A bill to be entitled an act authorizing the Clerk of the county court of Grayson county, to transcribe into a bound book, to be procured by him, all records hereinafter mentioned.

A bill to be entitled an act, authorizing the Clerk of the county court of Fayette county, to transcribe certain records therein named.

A bill authorizing the Clerk of the county court of Johnson county to transcribe certain records therein named.

And a bill to be entitled an act to incorporate the Town of Bonham.

Mr. Locke, chairman of the committee on Enrolled Bills, reported correctly enrolled,

A bill to authorize the county court of Dallas county to transcribe certain records hereinafter mentioned, into a well bound book, to be procured by said county for that purpose.

And a joint resolution to authorize the Governor to raise and muster into the service of the State, mounted men for the protection of our frontier.

Mr. Hicks offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-arms be requested to obtain from the Secretary of State, a sufficient number of the Revised Statutes and Code of Civil Procedure, to furnish each member of the Judiciary committee with a copy of each work.

Mr. Lloyd introduced a bill to be entitled an act to raise a revenue by taxation; read first time, rule suspended, read second time, when,

Mr. Hart offered the following amendment—after section 2nd, make section 3rd, to read as follows: Section 3rd. And that the county courts have the power, and are hereby authorized to assess and collect as a county tax, for the use of the several counties of this State, one hundred per cent on the amount assessed and collected by the State and no more, and that the 3rd section of the original bill be changed to section 4th.

On motion the bill and amendment were referred to the committee on Finance.

Mr. Wood introduced a bill for the relief of the holders of certain certificates; read first time.

Mr. Powell introduced a bill to amend the act of August 20, 1854, supplemental to the act of March 13th 1848, better defining the marital rights of parties; read first time.

Mr. Fisher introduced a bill to regulate or provide for the trial of jury cases; read first time.

Mr. Lee introduced a bill to be entitled an act to incorporate the German Free School Association of the city of Austin; read first time.

ORDERS OF THE DAY.

On motion of Mr. Brown, the House proceeded to the consideration of the business on the Speaker's table and orders of the day, when the following bills were taken up and acted on.

An act explanatory of an act, authorizing and requiring the county courts to regulate Roads, appoint overseers, &c., approved Feby. 4th 1854.

Mr. Jennings moved to amend the bill by striking out the 2nd. section; lost.

Mr. Howerton offered the following amendment to the bill, amend by inserting in place of 2nd. section, the following:

“That this act take effect from and after forty days after the passage of this bill; rejected. The bill was then read second time, and on motion of Mr. Kittrell, re-committed to the committee on Roads, Bridges and Ferries.

A bill originating in the Senate to remove the disabilities of minority from James N. Scott, William P. Wyatt, William B. Fowler, and George B. McKinstry and declare them severally of lawful age: read first time.

A bill for the relief of William Lee; read second time and ordered to be engrossed.

A bill to authorize the Commissioner of the General Land Office to cancel patent, No. 815, Vol. 8, &c.

On motion of Mr Jennings, re-committed to the committee on Public Lands.

Mr. Bee, chairman of the committee on State Affairs, by leave, made the following report:

COMMITTEE ROOM,
November 16th, 1857. }

HON. W. S. TAYLOR,

Speaker of the House of Representatives.

It is meet and proper, in the opinion of the committee, that the memory of those who have rendered important and valuable services to their country, should be cherished and held dear by a grateful people. From the commencement of the Revolution of Independence to the date of his death, Thomas J. Rusk, was ever prominent. Always in position which enabled him to serve the State, he in every instance discharged his duty, and contributed perhaps more than any other man to the advancement of Texas, to her present high position. As a Soldier, as a Judge, as a Statesman, he occupied an enviable position, and that his memory may ever live, and that the bright example which he has given in his useful and patriotic life may be ever kept before the youth of Texas, we recommend that his Statue be erected in this Capitol.

The committee would fain hope, that the citizens of the State, that he served so well, would unite in an Association for the purpose of erecting a Monument to the memory of this cherished and valued son of Texas, and with this view, the appropriation herein reported, may be considered a contribution on the part of the State, while if no such association should be formed, then as the Representatives of the people, we discharge a duty by providing by the State, this testimonial of our appreciation of his worth.

H. P. BEE,

Chairman.

Report received.

SECTION 1. *Be it Resolved by the Legislature of the State of Texas,* That the Governor be, and he is hereby authorized to have erected in this Capitol, a Statue of Gen. THOMAS J. RUSK.

That he be requested to secure the services of the best talent

which the sum herein appropriated, and such additional sum as may be contributed by the people of this State, may enable him to obtain, for the erection of said Statue.

That the sum of *ten thousand dollars*, out of any money in the Treasury not otherwise appropriated, be placed at the disposal of the Governor, for the purpose herein contained.

SEC. 2. That this act take effect from its passage.

Resolution read first time; rule suspended; read second time, and 200 copies of the report and resolution ordered to be printed.

On motion of Mr. Kinney the vote taken on yesterday, engrossing a bill, requiring all forced sales of real estate or slaves to be published was reconsidered, and on motion re-committed to the committee on the judiciary.

Mr. Rainey, by leave; introduced a bill to be entitled An Act to amend An Act entitled An Act to change the Sixth and Ninth Judicial Districts of the State of Texas, and to define the time of holding courts therein, approved 18th December, 1855; read first time.

ORDERS OF THE DAY CONTINUED.

A report from committee on County Boundaries, recommending the passage of a bill to define the Northern Boundary line of the Mississippi and Pacific Railroad Reserve, with an amendment, taken up; amendment of committee adopted, and on motion of Mr. Wood, report, bill and amendment laid on table.

A bill granting pre-emption privileges to settlers on vacant public domain taken up, and on motion of Mr. McKinney of Travis, read second time and referred to Judiciary committee.

A bill making a contingent appropriation for the support of the Penitentiary, taken up, read second time and ordered to be engrossed.

A bill to amend An Act regulating proceedings in the District Courts, approved May 18th, 1846, taken up, read second time, and on motion of Mr. Howerton, referred to Judiciary committee.

A bill for the relief of the Patrons and Trustees of Harrison School Districts, taken up, read second time; Mr. Craig moved the engrossment of the bill. Mr. Chilton proposed to amend by adding after the word "Harrison," the word "Smith." On motion of Mr. Jennings, bill and amendments referred to committee on Education.

A bill to change the name of Leander M. Nealy, to Leander M. Stone, taken up, read second time, and on motion of Mr. Henderson of Cass, ordered to be engrossed.

A bill for the relief of J. P. Gorman, taken up, read second time, and on motion of Mr. Dalrymple, referred to committee on Private Land Claims.

A bill to regulate toll of Mills, taken up, read second time and on motion of Mr. Smith of Fannin, referred to committee on State Affairs.

A Joint Resolution originating in the Senate, to refund the money heretofore paid for the defence of our frontier since 28th February, 1855, taken up and read first time.

A bill to authorize all sales of Real Estate or negroes made by Executors or Administrators in the county of Travis, to be made on Congress Avenue at the South-East corner of Block No. 70, taken up, read third time and passed.

A bill to release Wm. W. Gordon from minority, taken up, read third time and passed.

A report from committee on Public Lands recommending a substitute for several bills to repeal An Act supplemental to An Act for the relief of the citizens of Mercer's Colony, passed February 2d, 1850, taken up, substitute adopted and ordered to be engrossed.

A report from committee on Public Lands reporting a substitute for a bill to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, taken up.

Mr. Ross moved to lay the bill, report and substitute on the table. Whereupon the yeas and nays were called and stood,

YEAS—Messrs. Aycock, Baldwin, Buckley, Burks, Cooley, Craig, Doom, Edwards, Fisher, Haynes of Washington, Henderson of Harris, Jennings, Kirk, Lacey, Locke, Lloyd, Powell, Rogers, Ross, Shelton, Tait, Walling and Ward—23

NAYS—Messrs. Bee, Bishop, Brown, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Dalrymple, Dennis, Evans of Austin, Evans of McLennan, Everett, Gaston, Hall, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Henderson of Cass, Hicks, Higgins, Holland, Howerton, Johnson, Joseph, Kinney, Kittrell, Lee, Lesueur, Lewter, McKenney of Hopkins, Merriman, Munson, Murrah, Navarro, Norton, Poag, Price, Rainey, Reeves, Rhodes, Roberts, Scott, Shannon, Smith of Fannin, Smith of Orange, Upshaw, Waterhouse, Witt and Wood—55.

So the motion was lost.

Mr. McKinney of Travis, proposed to amend as follows:

Be it further enacted, That all lands which have been settled under the provisions of the Act to which this Act is amendatory, shall be exempt from location, and subject alone to further Legislation; provided that the settlers thereon shall fail to comply with the requisitions of this Act.

Mr. Wood moved a postponement of the consideration of the matter until Tuesday next.

Mr. Hart moved to lay the motion on the table—lost.

Mr. Rainey moved to amend the motion to postpone by printing 200 copies of the bill; accepted, and bill postponed until Tuesday, and 200 copies ordered to be printed.

Mr. Everett moved a reconsideration of the vote just taken—lost.

A report from Judiciary committee recommending the passage of a bill to increase the pay of Grand and Petit Jurors, taken up. Mr. McKinney of Travis, proposed to amend by striking out the word "Surplus"—carried and bill ordered to be engrossed.

A bill to change the name of Taylorsville to Decatur, taken up, read and ordered to be engrossed.

Mr. Rainey, by leave, introduced a bill for the relief of Goodwin Killian; read first time—Mr. Rainey moved to suspend the rule to read the bill a second time—lost.

A bill to incorporate the town of Weatherford with a report from committee on County Boundaries, recommending an amendment, taken up, amendment adopted and bill ordered to be engrossed.

A bill to amend An Act to incorporate Greenville, taken up, read second time and ordered to be engrossed.

A Senate bill for the relief of B. F. Ellis; read first time.

A Senate bill for the payment of three Companies of Minute men, commanded by Captains J. W. Sansom, Jno. D. Davenport and R. W. Black, taken up and read first time.

A report from the committee on Public Lands recommending the passage of a bill for the relief of Pre-emption Settlers, taken up. Mr. Barnard offered a substitute for the bill which was adopted. Mr. Wood proposed to amend the bill by inserting "Shall not be required to prove by two witnesses in the county that they were residents of the State at the time of the passage of the Act, but may make such proof by persons resident anywhere in the State."

On motion of Mr. Wood, bill and report recommitted to committee on Public Lands.

Mr. Bee, by leave, offered the following resolution:

Resolved, That it shall be in order after a bill or resolution has received its first reading, for the Speaker to entertain a motion that the same be read a second time by caption, with a view to its reference to the proper committee; adopted.

A bill for the relief of Jacob Becker, with a report from the committee on Public Land Claims recommending an amendment, taken up and amendment adopted; Mr. Jennings moved to recommit the bill—last. On motion, bill ordered to be engrossed.

On motion of Mr. Evans of McLennan, Mr. Rogers and Mr. Latham, were added to the committee on Counties and County Boundaries. On motion of Mr. Munson, Mr. Evans of McLennan, was added to committee on Internal Improvements and Mr. Kinney to Judiciary committee.

Mr. Kittrell, by leave, offered the following resolution:

Resolved, That the committee on printing be instructed to have printed the same number of copies of the reports of the Trustees of the Institutions for the instruction of the Deaf and Dumb and of the Blind, accompanying the Governor's Message, as of the reports of the heads of Departments; adopted.

Also, *Resolved*, That so much of the Governor's Message as relates to the Institution for the instruction of the Deaf and Dumb and of the Blind, with the reports from the Trustees of said Institutions, be referred to committee on Education.

On motion of Mr. Brown, a Senate bill for the relief of John Barton, with a report from committee on Private Land Claims recommending its passage with an amendment, taken up; amendment adopted and bill passed to a third reading; rule suspended, bill read third time and passed.

On motion, the House adjourned until 10 o'clock, A. M., to-morrow.

AUSTIN, Nov. 18th, 1857.

House met pursuant to adjournment, roll called, quorum present, journal of yesterday read and adopted.

PETITIONS.

Mr. McKinney of Travis, presented the petition of Eli Kirk, referred to a select committee.

Mr. Hart presented the petition of Danl. B. Grayham; referred to the committee on Claims and Accounts.

Mr. Navarro presented the petition of the heirs of Francisco Ruiz; referred to committee on Claims and Accounts.

REPORTS OF STANDING COMMITTEES.

Mr. Lee, one of the committee on Private Land Claims, reported as follows:

The committee to whom was referred the petition of Thos. George have had the same under consideration, and instruct me to report:

That in accordance with existing laws, the petitioner is not legally entitled to the relief sought by his petition and proofs; and that the equity of his cause is barred by Art. 11, Sec. 2, of the Constitution; they therefore, refuse to recommend relief, and ask to be discharged from the further consideration of the same; report received.

Mr. Lewter, one of the committee on Claims and Accounts, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Claims and Accounts, to whom was referred the petition of Nathan G. Allen, have had the same under consideration. The facts contained in said petition are about these: The petitioner is an old citizen of Texas, and contributed at various times between the years 1835 and '43 supplies of beef to companies of volunteers that passed his house *en route* for the seat of war. There are no receipts, or evidences whatever to sustain the petition of said Allen. There is no proof offered, and indeed nothing attempted to be produced before the committee in support of said claim. The petitioner relies alone on the magnanimity of the State.

The committee, however, have instructed me to report the said petition back to the House, and recommend that no further action be taken in the premises; report received.

Mr. Barnard one of the committee on Public Lands made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Lands to whom was re-committed a bill for the relief of pre-emption settlers, with several amendments, have examined the same, and a majority have instructed me to report that they have good reason to believe that many persons who have settled on land as pre-emptioners, under the act of 13th Feby. 1854, will find it nearly, if not quite impossible, to prove by two witnesses in the terms of said act, that they were residents of the State at the date of its passage and that they consider that the three years residence upon, and cultivation of the land, really and essentially gives to the State all the benefit that it was entitled to from any pre-emption settler under the provisions of that act, and that the substitution of the claimant's oath for the proof by two witnesses, will be a relief to many pre-emptioners, and cannot operate as any loss or injury to the State, and does not effect the rights of third persons, and therefore they recommend the following substitute for said bill and its amendments; report received.

Mr. Aycock, chairman of committee on Public Lands, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Lands, to whom was re-committed the bill to authorize the Commissioner of the General Land Office to cancel patent No. 815, vol. 8, have again considered the same and beg leave to report it back and recommend its passage. The facts relative to the subject, are substantially as follows: A patent was issued by the Commissioner of the General Land Office for four leagues of land, called "La Sal Colorado, situated in the county of Starr in accordance with the act relinquishing the rights of the State to certain lands therein named; approved Feby. 10th, 1852, which patent issued in the name Gregorio Sais. The original title to said four leagues of land has been laid before the committee, and we find that the tract was originally granted to Vicente Sais, and that the confirmation and issuance of the patent should have been made in the name of Vicente Sais, report received.

A message was received from the Senate announcing to the House, the passage of the following bills originating in that body:

A bill making an appropriation to pay for the State copies of the 16th and 17th volumes of Texas reports.

A bill for the relief of Eli H. Page.

A bill for the relief of Matthias Ward.

A bill to change the time of holding the terms of the District Courts in the 11th Judicial district.

A bill to amend an act for the relief of A. G. Wavil, passed Aug. 27, 1856.

And a bill to change and provide for a uniform time for terminating the Fiscal year of the several offices of the State Government.

And that the Senate had concurred in the House's amendment to a bill for the relief of John Barton.

Mr. Kittrell, chairman of the committee on Public Debt, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Debt to whom was referred a bill for the relief of the heirs of Sumner Bacon, deceased, have examined the same and instruct me to say that the said claims comes before them unsustained by any evidence of an authentic character, either verbal or record. The only evidence produced to show even the existence of such a claim as set forth in the bill, is the receipt of one Matthew Cartwright, purporting that he had at one time received such a claim for collection and lost the same. Your committee are of opinion that it is legitimately a matter of adjustment between said Cartwright and the heirs of Sumner Bacon. In view of these facts they ask to be discharged from the further consideration of the same; report received.

On motion of Mr. Brown, the rule was suspended, and report taken up and adopted.

Mr. Kittrell, chairman of the same committee, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Debt, to whom was referred the petition of Charles Sheppard, praying a pension for services rendered in the cause of Texas, have given the same careful attention, and have instructed me to say: That whilst they deem Mr. Sheppard a legitimate subject for legislative liberality, provided the services set forth in his memorial can be substantiated by good testimony, and he has at no time received pay for the same, which does not appear from his memorial, yet his case does not properly come within the province of the

committe on Public debt. They have therefore instructed me to report the same back to the House and recommend its reference to committee on State Affairs ; report received.

On motion of Mr. Witt, the rule was suspended, report taken up and adopted.

Mr. Wælder one of the committee on Internal Improvements reported a bill supplemental to an act to provide for the investment of the Special School Fund in the bonds of Railroad companies incorporated by the State, approved August 13th 1856 : report received.

Also reported a substitute for a bill supplemental to an act to incorporate the Colorado Valley Railroad Company, and recommend its passage ; report received.

On motion of Mr. Locke, one hundred copies of the bill just reported from committee on Internal Improvements, supplemental to act to provide for the investment of the special school fund in the bonds of Railroad Companies, incorporated by the State, approved August 31st, 1856, were ordered to be printed.

BILLS AND RESOLUTIONS.

Mr. Edwards introduced a bill to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company ; read first and second times, and referred to committee on Internal Improvements.

Mr. Wælder introduced a bill to incorporate the Beneficiary Association of San Antonio ; read first and second times and referred to committee on State Affairs.

Mr. Henderson of Harris introduced a joint resolution for the relief of A. W. Terrell, Judge 2nd Judicial District ; read first and second times and referred to the Judiciary committee.

Mr. Burks introduced a bill for the relief of Geo. Gordon ; read first and second times, and referred to committee on Claims and Accounts.

Mr. Bishop introduced a bill to create the County of Breckenridge ; read first and second times, and referred to committee on County Boundaries.

Mr. Brown introduced a bill supplemental to and amendatory of an act making provision for running and marking the boundary line between the State of Texas and the territories of the United States ; read first and second times, and referred to committee on State Affairs.

Mr. Burnett introduced a bill to amend the 31st, section of an act to organize Justices courts and define the powers and

jurisdiction of the same, approved 20th March 1848 ; read first and second time, and referred to Judiciary committee.

Mr. Clow introduced a bill to change the name of Parmelia J. Wright and her infant daughter, Jessie Wright, and to fix the guardianship of said infant ; read first and second time and referred to committee on State Affairs.

Mr. Smith of Orange, introduced a bill to incorporate Madison Lodge, No. 126, of Ancient Free and Accepted Masons ; read first and second times and referred to committee on State Affairs.

Mr. Navarro introduced a bill to amend the 2d. section of an act to authorize the settlement of disputes by conciliation or arbitration, passed April 25, 1846 ; read first and second times and referred to Judiciary committee.

Mr. Hart offered the following resolution :

Resolved, That the committee on Printing be instructed to inquire into the whereabouts of W. F. Weeks, Reporter elect of the House of Representatives, and the cause of his absence from the House without leave.

On motion of Mr. Chilton laid on the table.

Mr. Aycock introduced a bill to enable the counties of Texas to subscribe for stock in such Railroad enterprises as they may deem proper to encourage ; read first and second times and referred to committee on Internal Improvements.

Mr. Aycock introduced a bill to incorporate the town of Marlin ; read first and second times and referred to committee on State Affairs.

Mr. Price offered the following resolution :

Resolved, That the committee on Public Buildings be required to inquire into the condition of the roof upon the Capitol, and report whether a new roof is necessary, or whether this one can be so repaired as to afford protection to the furniture in the House ; adopted.

On motion of Mr. Tait, Mr. McKinney of Travis, was added to the committee on Federal Relations.

Mr. Locke offered the following resolution ;

Resolved, That the Judiciary committee be requested to take into consideration the necessity of passing a law more effectually punishing the perpetrators of slander ; adopted.

Mr. Price offered the following resolution :

Resolved, That the committee on Education be instructed to inquire into the manner in which those entrusted with the management of the Asylum's of the Deaf and Dumb, the Blind

and Insane, have discharged that duty, and the manner in which the appropriations heretofore made for the support of these Asylums have been disposed of; adopted.

ORDERS OF THE DAY.

A bill to amend an act to authorize the cancellation of patents in certain cases, passed February 3d, 1854; read second time and referred to committee on Private Land Claims.

A bill fixing the jury fee in suits in the District Courts of this State and its time of payment; read second time and referred to committee on Judiciary.

A bill relinquishing the State tax for the years 1858 and '59 to certain counties, &c; read second time and referred to Finance committee.

A bill to legalize Hopkins Land District, and legalize surveys made therein; read second time and ordered to be engrossed.

On motion of Mr. McKenney of Hopkins, rule suspended, bill read third time and passed.

A bill to authorize James C. Everett, a minor, to take charge of his estate, and transact business as though he were 21 years of age; read second time and referred to committee on State Affairs.

A bill to be entitled an act to pay for printing the proclamations of the Governor, read second time and referred to the committee on Printing.

A bill to prevent the spread of disease among horses and other animals; read second time and referred to the joint committee on Stock and Stock Raisers.

An act supplementary to and amendatory of an act entitled an act to provide for the collection and assessment of taxes, passed February 12th 1850; read second time and referred to committee on Finance.

An act supplementary to and amendatory of an act, approved February 4th 1854, entitled an act authorizing and requiring the county courts to regulate roads, appoint overseers &c., read second time and referred to committee on Roads, Bridges and Ferries.

An act for the relief of certain counties therein named; read second time and referred to a joint select committee.

An act to be entitled an act to relinquish the right of the State to certain lands therein named; read second time and referred to a special committee.

A bill to amend an act to regulate proceedings in the Dis-

strict courts, passed 13th May 1846; read second time and referred to the committee on the Judiciary.

A bill to be entitled an act for the relief of Q. J. Nichols; read second time and referred to committee on Claims and Accounts.

A Joint Resolution proposing an amendment to the Constitution of the State, so as to give to the Legislature the power to create bodies corporate with banking and discounting privileges; read second time and referred to Judiciary committee.

A bill to be entitled an act to amend the 21st section of an act entitled an act to organize county courts, approved March 16th, 1848; read second time and referred to the committee on State Affairs.

A bill to incorporate the Richmond Masonic Hall Association in Fort Bend county; read second time and ordered to be engrossed.

A bill to incorporate the Fire Association of San Antonio; read second time and referred to committee on State Affairs.

A bill to regulate the pay of Grand and Petit Juries in Smith county; read second time and ordered to be engrossed.

A bill to amend the 6th section of an act to raise a revenue by taxation, passed March 20th, 1848; read second time and referred to Finance committee.

A Joint Resolution requesting the Governor to send a detachment of mounted men for the protection of the Frontier; read second time and referred to committee on Indian Affairs.

A bill to amend the 12th section of an act regulating elections, passed March 16th, 1848; read second time and referred to committee on Privileges and Elections.

A bill to amend an act for the relief of Levi Kron; read second time and referred to committee on Private Land Claims.

A bill to provide for entering satisfaction of mortgages and deeds of trust; read second time and referred to Judiciary committee.

A bill concerning surveys of lands; read second time and referred to committee on Public Lands.

A bill to prohibit certain officers from taking land as fees of office; read second time and referred to Judiciary committee.

A bill providing for the registration of deeds &c., to land certificates of locating claims to land; read second time and referred to Judiciary committee.

A bill to organize the county of Presidio ; read second time and ordered to be engrossed.

A Joint Resolution to authorize the Commissioner of the Court of Claims, to employ two additional clerks ; read second time and ordered to be engrossed—rule suspended, read third time and passed.

A bill for the relief of holders of certain certificates ; read second time and referred to committee on Private Land Claims.

A bill for the relief of Goodwin Killian ; read second time and referred to committee on Private Land Claims.

A bill to amend the act of August 26th, 1856, supplemental to the act of March 13th, 1848, better defining marital rights of parties ; read second time and referred to Judiciary committee.

A bill to regulate or provide for the trial of jury cases ; read second time and referred to Judiciary committee.

A bill to incorporate the German Free School Association of Austin City ; read second time and referred to committee on Education.

A bill to amend an act entitled an act to amend an act to change the 6th and 9th Judicial Districts of Texas, and to define the time of holding courts therein, approved the 18th December, 1855 ; read second time and referred to committee on Judicial Districts.

A bill making an appropriation of fifteen thousand dollars to defray the contingent expenses of the 7th session of the Legislature, with an amendment from the Senate, taken up and Senate's amendment concurred in.

A Joint Resolution calling upon the United States Government to refund the money heretofore paid out by the State of Texas for the defence of the Frontier since 28th February 1855 ; read second time and passed to a third reading—rule suspended, read third time and passed.

A bill to remove the disabilities of minority from Jas. N. Scott, Wm. P. Wyatt, Wm. B. Fowler and Geo. B. McKinstry ; read second time and referred to Judiciary committee.

A bill to provide for the payment of three companies of minute men commanded by Capts. J. W. Sansom, J. D. Davenport and R. W. Black ; read second time and referred to committee on Military Affairs.

A bill for the relief of Benj. F. Ellis ; read second time and referred to committee on Private Land Claims.

A bill to amend an act to incorporate the European and American Colonization Society in Texas ; read second time and referred to committee on State Affairs.

A bill to amend the 33d section of an act to regulate proceedings in county courts of March 20th, 1848 ; read second time and referred to Judiciary committee.

A bill to allow C. H. Nimmon to adopt two illegitimate children ; read second time and referred to Judiciary committee.

A bill to definitely define the Northern boundary line of the Mississippi and Pacific Railroad reserve ; read second time and referred to committee on Public Lands.

A bill supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve ; read second time and referred to committee on Public Lands.

A bill for the relief of Louisa Warren, minor heir of Joseph M. Warren, deceased ; read and ordered to be engrossed.

A bill to be entitled an act for the relief of Jim Shumate.

Mr. Witt offered the following amendment—add free Louis of Dallas county ; rejected.

Mr. Chilton offered the following amendment—amend by adding the name of Moses Edwards of Smith County ; rejected.

Mr. Murrah moved to amend the bill by inserting—that said Jim Shumate shall be permitted to remain in the State of Texas on condition that he enslave himself and not otherwise ; when, on motion of Mr. Wood, the bill and amendments were indefinitely postponed.

Mr. ———, offered the following resolution :

Resolved, That the committee on State Affairs, be instructed to inquire into the expediency of suspending or repealing the Estray Laws, and report by bill or otherwise, reported back by committee on State Affairs ; taken up and referred to the Joint committee on Stock and Stock Raising.

The report of Mr. Jennings, chairman of the committee on Judiciary, reporting adversely to paying witnesses when appearing before Grand Juries, taken up and adopted.

An Act concerning the county courts of this State ; read, amended and ordered to be engrossed.

An act for the relief of the widow of Capt. A. C. Hinton late a commander in the Texas navy ; and report of the committee on Public Debt, asking to be discharged from consideration of the same ; report adopted.

An act to incorporate Colorado College; read second time and ordered to be engrossed.

A bill to be entitled an act for the relief of Zippon Whiteside and the heirs of Henry Whiteside deceased; read second time and ordered to be engrossed,

A bill for the relief of Joseph Baker; read second time and ordered to be engrossed.

Mr. Locke, chairman on the part of the House on the Joint committee on Enrolled bills, reported correctly enrolled.

A bill for the relief of John Barton.

Mr. Johnson, one of the committee on Engrossed bills, reported correctly engrossed.

A bill to be entitled an act to change the name of Leander Milton Nealy to Leander Milton Stone.

A bill for the relief of Jacob Becker deceased.

A bill to be entitled an act for the relief of William Lee.

A bill to be entitled an act to repeal an act supplementary to an act for the relief of the citizens of Mercer's Colony, passed February 2d, 1850, and approved August 30th, 1856.

A bill to be entitled an act to authorize the county courts of the several counties of this State to increase the pay of Grand and Petit Juries.

A bill to be entitled an act to amend an act entitled an act to incorporate the town of Greenville.

A bill to be entitled an act making a contingent appropriation for the support of the State Penitentiary, and a bill to be entitled an act to change the name of Taylorsville.

Mr. Kittrell offered the following resolution:

Resolved, That the use of the House be allowed Mr. Van Nostrand, principal of the institution for the education of the Deaf and Dumb. Also to the managers of the institution of the Blind, for the purpose of exhibiting to the Legislature and the public generally, their mode of instruction, and the progress of their pupils.

The exhibition to take place in the afternoons or evenings at any time the above named gentlemen may designate, so as not to interfere with the regular sittings of the House.

Mr. Wælder move to amend, so as to give the use of the House for the exhibition at 9 o'clock, A. M., on Saturday next: amendment adopted.

Mr. Runnels moved to lay resolution on the table—lost, and resolution as amended adopted.

Mr. Chilton moved to adjourn until 10 o'clock A. M. to-

morrow, whereupon the yeas and nays were demanded, and stood thus:

YEAS—Messrs Aycock, Baldwin, Barnard, Bee, Bishop, Brown, Buckley, Burnett, Chance, Chilton, Cooley, Craig, Dennis, Edwards, Hall, Harris of Guadalupe, Haynes, of Starr, Haynes of Washington, Henderson of Cass, Henderson, of Harris, Hicks, Higgins, Holland, Howerton, Jennings, Johnson, Joseph, Kinney, Lee, McKinney of Travis, McKenney of Hopkins, Munson, Murrah, Poag, Powell, Price, Rainey, Rhodes, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder and Wood—45.

NAYS—Messrs Speaker, Burks, Carroll, Cleveland, Collier, Dalrymple, Evans of McLennan, Everett, Fisher, Gaston, Hardin, Harris of Titus, Harrison, Hart, Kittrell, Lacy, Lesueur, Lewter, Locke, Lloyd, Merriman, Navarro, Norton, Reeves, Roberts, Ross, Runnels, Scott, Shannon, Shelton, Walling, Ward, Waterhouse and Witt—34.

So the House adjourned until 10 o'clock, A. M., to-morrow.

AUSTIN, Nov. 19th, 1857.

House met pursuant to adjournment—roll called, quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Latham presented the petition of Patrick C. Shannon and others; referred to the committee on Private Land Claims.

Mr. Upshaw presented the memorial of Gideon Lincecum. Mr. Rainey moved its rejection. Lost.

On motion of Mr. Locke, referred to the committee on Stock and Stock-raisers.

Mr. Kirk presented the petition of L. C. Furguson; referred to committee on Private Land Claims.

Mr. Wood presented the petition of sundry citizens on the subject of forfeitures, &c.; referred to Judiciary committee.

Mr. McKinney of Travis, presented the petition of James Doyle; Referred to committee on Public Buildings.

Mr. Carroll presented the petition of sundry citizens of Navarro county; referred to Judiciary committee.

Mr. Ross presented the petition of H. M. Lawson; referred to committee on Private Land Claims.

Mr. Buckley presented the petition of Ezra Hill; referred to committee on Private Land Claims.

Mr. Kinney presented the petition of A. S. Thurwood; referred to committee on Claims and Accounts.

The Speaker then announced the following Select committees :

Committee on Petition of Eli Kirk.—Messrs. Latham, McKinney of Travis, Harris of Guadalupe, Walling and Rummels.

Committee on a Bill to relinquish the right of the State to certain lands therein named.—Messrs. Haynes of Starr, Mills, Reeves, Henderson of Harris, and Hicks.

Joint Select committee on a Bill for the relief of certain counties therein named.—Messrs. McKinney of Travis, Harris of Guadalupe, Cooley, Dalrymple, Hardeman, Mills, and Barnard.

REPORTS OF STANDING COMMITTEES.

Mr. Wood, one of the Judiciary committee, reported as follows :

The Judiciary committee to whom was referred a Bill making certain plaintiffs to suits, have instructed me to report : That the committee have examined the same, and find that the object of the Bill seems to be the better security of lawyers in the collection of their fees. The committee believe that the object contemplated by the Bill, is sufficiently attained by existing laws, and that no additional legislation is needed upon the subject. They, therefore, ask to be discharged from the further consideration of the same. Report received ; rule suspended, and report taken up and adopted.

Mr. Wood from the same committee, also reported back to the House, a Bill to create the 19th Judicial District, and asked its reference to committee on Judicial Districts; report received.

Mr. Howerton, one of the committee on Private Land Claims, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of C. K. Ham, and a report thereon made to this House on a former day, have instructed the undersigned to make an additional, more extended and full report, in order to suit the views of some honorable members who are very fastidious, and appear fearful of being unable to account to their constituents for their vote, unless such report is made. Therefore, the undersigned begs leave, respectfully, to report : That they find from the testimony that the petitioner, C. K.

Ham, emigrated to this country in 1830, (Austin's Colony.) That subsequently, in the year 1831 or 1832, he received his headright for one-third league of land—being a married man; that he was in San Felipe on the day of the Declaration of Independence. Shortly after which, in the year 1836, he intermarried with a lady who lived in the State of Louisiana, and brought her into Texas, where he has remained ever since. That said Ham, participated in divers battles against the invading Mexicans and Indians. That he served under Col. Bowie, and was with him in the battle of San Saba, (had with the Indians,) and that he served under Col. Karnes in 1839. That said Ham was wounded in one of the battles aforesaid. That he has never received the augmentation of two-thirds of a league and labor of land, to which he is entitled by the Act of 14th December, 1837, Section 23 and Article 1859, Hartley's Digest; and was ignorant of his right to the same until recently. These facts the committee found upon the testimony of two disinterested and reliable witnesses, who were conversant with them, as, also, from the statements of the Hon. T. F. McKinney, a member of the House; and in view thereof, as also of the fact that the Commissioner of the Court of Claims has declined, finally, to act upon claims similar to this, and has only taken down the testimony, and refer them back to this House for its action, this committee made their former report, and recommended the passage of the Bill accompanying it: And they here again respectfully recommend the passage of the Bill. Report received.

Also, reported as follows :

The committee on Private Land Claims to whom was referred the petition of Edward Seeligson, and also a bill to amend an act to authorize the cancellation of patents in certain cases, passed 3rd February, 1854; have instructed the undersigned to report, that they find after mature consideration of said petition, that petitioner is entitled to the relief sought; but in view of the facts that others are entitled to similar relief, and as the bill aforesaid provides for the relief of the petitioner and all those who are similarly situated, they report the bill back to the House and recommend its passage; report received.

Mr. Lewter, one of the committee on Claims and Accounts, reported, asking to be discharged from the further consideration of a bill for the relief of Geo. Gordon, the evidence not

being sufficient to justify the Committee in granting the relief sought; report received.

Mr. Henderson of Harris, moved a re-reference of the bill to the committee on Claims and Accounts—lost.

On motion of Mr. Brown, the report was taken up and adopted.

Mr. Kittrell, one of the committee on Claims and Accounts, reported as follows :

The committee on Claims and Accounts to whom was referred the petition of A. H. Cook, asking to be refunded certain monies expended by him in covering or putting on the roof of the State Capitol, and painting the inside work of the same, have had the same under careful consideration, and have instructed me to say that the committee are unanimously of opinion that the said claim is so obviously founded in equity, and so well sustained by testimony that they have no hesitancy in recommending its payment.

The facts of the case are these : The said Cook was in the first instance, employed by the Commissioners authorized by law to contract for the same, to put a tin roof on the Capitol; he did so, and on the completion of the job, it was examined by the Commissioners, approved and received. Sometime afterwards, Austin was visited by one of those sudden and destructive hurricanes which occasionally sweep over our State. By that storm the Capitol was unroofed, and all the under-work consequently exposed to damage and ruin. The Commissioners decided that the public interest required that the roof should be replaced without delay, and procured the services of said A. H. Cook, in doing the work. He executed the work, or had it done, and it was again examined, approved and received. There being no appropriation for the same, the said Cook was compelled to advance his money for the work, and now only asks the amount he expended in doing the work be refunded him. He asks no extra allowance, which is an important fact. The charge for painting was substantiated by the affidavit of a practical painter as in accordance with the usual rates of charging for such work. Your committee would state that these facts were sustained and proven by evidence amply sufficient to justify them in recommending the payment of the claim, and have instructed me to report the accompanying bill and recommend its passage.

Mr. Rhodes, one of the committee on Claims and Accounts, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Claims and Accounts to whom was referred a bill for the relief of Abel Morgan, have considered the same, and after a full consideration, beg leave to report:

That it has been satisfactorily proven to them that the said Abel Morgan served in the campaign at Bexar in the year 1835, and that he was afterwards under Col. Fannin, and was taken prisoner and was reserved from the massacre of 27th March, 1836, as a hospital assistant, and was subsequently carried as a prisoner to Matamoras, and was not released until the 5th April, 1842, and that if allowed the regular pay up to the time of his release, it would amount to the sum specified in the bill, viz.: \$6757; but your committee was not satisfied that he was necessarily detained a prisoner until the date of his release. They, however, unanimously agree to allow him the sum of \$281 25. The testimony before the committee showing that he has never received any pay in money for the above services; that he bears an excellent character; that he has applied to the Court of Claims, but that the nature of his proof, though satisfactory to your Committee, would not justify the Commissioner of that Court in allowing them.

They therefore, recommend the passage of the bill after amending it by substituting \$281 25 in lieu of \$675, as expressed in the bill; report received.

Mr. Johnson, Chairman of the committee on Printing, reported recommending the passage, without amendment, of a bill to be entitled an act to pay for printing the proclamation of the Governor.

On motion of Mr. Locke, the rule was suspended and the bill was taken up; when Mr. Brown offered the following amendment: "insert ordering a vote in August last on the proposed amendment to the Constitution;" adopted.

Mr. Kittrell, Chairman of the committee on Education, made the following report:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives.

SIR:—The committee on Education to whom was referred the resolution enquiring into the expediency of establishing somewhere on our Coast, by the joint effort of individual and State aid, a College or institution for the purpose of teaching

the youths of the country the science of Navigation and civil Engineering, and the arts of Ship building and Mechanics generally, have duly considered the same, and have instructed me to say that while an institution of the kind proposed, if it could be put in successful operation, might be of much service to Texas, yet they doubt whether in the present imperfect and unfinished condition of our educational system, it would be prudent for the State to engage in such an enterprise. They deem it more legitimately (if necessary at all,) one of private enterprise. They would suggest, if the plan now contemplated for establishing a State University be carried out, that the theory of the branches of education proposed in the resolution of enquiry before them, will of course, be taught in said institution and other literary institutions of a high grade in the State, and of course, the purposes of such an institution will be to some extent accomplished. The practical part of the branches of education sought to be established by such a School, will have to be learned in the work-shop and on the high seas practically. Your committee are of the opinion that in view of these facts, it is unnecessary for the State to engage in such an enterprise at present, but should it be originated by private enterprise, and prove of that practical benefit contemplated by its friends, then it will be proper for the State to render such aid and take such interest in it as her wants or necessities may dictate.

P. W. KITTRELL, Chairman.

On motion, taken up and adopted.

Mr. Lee, Chairman of a Joint Select Committee, made the following report :

COMMITTEE ROOM, }
Austin, November 16th, 1857. }

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The Joint Select committee to whom was referred an act to repeal the 7th and 8th Sections of an act to ascertain the legal claims of money and lands against the State, passed August 1st, 1856 ; and providing a mode of ascertaining the legal claims of lands against the State, have had the same under consideration and have instructed me to report that the consideration of this bill more appropriately belongs to the committee on the Judiciary, than to this committee ; and to report the bill back to the House and ask that the same be referred to the commit-

tee on the Judiciary, and that this committee be discharged from the further consideration of the same.

By leave, Mr Aycock introduced the following resolution :

Resolved, By the House of Representatives, that the committee on Internal Improvements be requested to inquire into the expediency of requiring the Directors of all Railroad Companies to gazette their proceedings in some regularly published newspaper in this State.

Mr. Murrah moved to lay the resolution on the table—lost.

Question then recurring on the adoption of the resolution, the same was put and the resolution was adopted.

The hour having arrived, the special order of the day was taken up, viz : An act for the relief of the Galveston, Houston and Henderson Railroad Company, and in amendment of the act of incorporation thereof, and of the acts amending the same and in addition thereto ; passed to a third reading, rule suspended, read third time and passed by a two-third vote.

Mr. Rainey introduced a bill to be entitled an act for the relief of John Morton ; read first and second times and referred to the committee on State Affairs.

Mr. Shannon offered the following resolution :

Resolved, That the office of Reporter for this House be and the same is hereby abolished.

Mr. McKenney of Hopkins moved to lay the resolution on the table—lost.

On motion of Mr. Henderson of Harris, postponed until Monday next.

Mr. Wælder introduced a bill to be entitled an act defining the time of holding Courts in the 18th Judicial District ; read first and second times and referred to committee on Judicial Districts.

On motion of Mr. Brown, the House adjourned until 10 A. M. to-morrow.

AUSTIN, November 20th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Dennis, one of the Judiciary committee, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Judiciary committee to whom was referred a bill requiring forced sales of real Estate and Slaves to be advertised in newspapers, and the amendment thereto, have had the same under consideration and instruct me to report : That so far as the object of the bill as amended, is to require the publication of Sales of the property of minors and Estates, and (if the Defendant in execution requests it,) the publication of the sale of the Defendant's property seized, in a newspaper, if one be published in the county, your committee believe that there is nothing in the present laws to prevent this being effected without any legislation whatever upon the subject. The Chief Justice or the Debtor may now so direct, if they think proper, and are willing, to pay for it.

So far as the bill provides for the publication of sales under execution where the Debtor is a non-resident of the State, your committee can see no good reason why a different rule should prevail in that case, than where the Defendant is a resident. A judgment cannot be rendered without notice of the suit either by service or publication, and the Defendant having notice of the suit, he must be apprised that his property, if judgment be rendered against him, will be seized and sold and if he believes in such event, that a publication of the sale will do him good, there is nothing to prevent his making it.

The same observation applies to the Plaintiff in Execution. If he expects any benefit from a publication, let him make it. The provision of the bill which requires editors of newspapers to publish without payment in advance, in the opinion of your committee can have no force whatever. It is against reason and law.

If the object of the bill be to encourage the establishment of newspapers, we cannot think it ought to be effected by a tax upon unfortunate debtors, or the estates of dead men, their widows and orphans.

The bill is also subject to objection because its operation can only be partial, and it can have effect only in counties where newspapers are printed.

For these reasons, among others, your committee recommend the indefinite postponement of the bill ; report received.

Mr. Kittrell, Chairman of the committee on Education, reported as follows : -

The committee on Education to whom was referred a bill for the relief of the Trustees and Patrons of the School Districts of Harrison county, who have not heretofore received their proportion of the School Fund to which they were entitled under an act of 31st February, 1854, entitled an act to establish a system of Common Schools, have instructed me to say that they think it expedient and proper to embrace the object contemplated by this bill in a general law upon the subject, as there are other counties entitled to the same relief. The committee therefore, request me to report the accompanying as a substitute for the bill, and recommend its passage ; report received.

Mr. Buckley, Chairman of committee on Private Land Claims, reported a bill for the relief of Penelope Knippe, John Boykin, and Sarah Ervine, heirs of Jessee Boykin, deceased ; report received.

Mr. Howerton, one of the committee on Private Land Claims reported adversely to the petition for the relief of Wilson Ward, the committee being of opinion that said Ward has ample relief in the law authorizing him to locate his land at 50 cents per acre, the same being located in the Mississippi and Pacific Railroad Reserve ; report received.

Mr. Chilton, one of committee on Private Land Claims reported, recommending the passage of a bill for the relief of Goodwin Killian ; report received.

Mr. Ross, one of committee on Private Land Claims, reported a bill for the relief of L. A. Washington, and recommended its passage ; report received.

Mr. Howerton, one of the committee on Private Land Claims, reported a bill for the relief of Polly Guthrie, late Polly Jones, widow of Andrew Jones, deceased, and recommended its passage ; report received.

Mr. Hardin, one of the committee on Private Land Claims, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Private Land Claims have examined a bill for the relief of the holders of certain certificates, and I am instructed to return the same and ask its reference to the Judiciary committee. The bill seems to be one of considerable importance and that committee is deemed better qualified to put it in such shape as properly to protect the rights of those who have acted in good faith and deserve such protection, and at the same time guard against fraud or intentional wrong on the part of others ; report received.

Mr. Hardin from same committee, also reported, recommending the reference of the petition of F. L. Mudd to the committee on Claims and Accounts ; report received.

Mr. Wood, one of the Committee on Private Land Claims, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims to whom was referred the petition of the heirs of Martin Minnil, have had the same under consideration and instruct me to report as follows :

That they find from the proof that the said Martin Minnil emigrated to the county of Brazoria, June, 1837 ; the fact of emigration appears from the conditional headright certificate, issued to the heirs of said Martin Minnel, by the board of Land Commissioners of Brazoria county, 18th of May, 1838, he, in the mean time, having died ; said conditional certificate is for 1280 acres of land, and was approved by the Traveling Board as genuine. The committee therefore report the accompanying bill and recommend its passage ; report received.

Mr. Chilton, one of committee on Private Land Claims, reported recommending the passage of a Senate bill for the relief of Ben. F. Ellis.

Mr. Price, one of the committee on Claims and Accounts, made the following report on the petition of A. S. Thurmond, recommending the passage of the accompanying bill for his relief.

HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

Your committee to whom was referred the petition of Alfred S. Thurmond, asking for pay as interpreter in the Mier Expe-

dition, have had the same under consideration, and after patient investigation instruct me to report as follows, viz: They find that said A. S. Thurmond, was a member of the Mier Expedition; that he in common with the balance of Col. Fisher's command, was captured by the Mexican forces at the town of Mier about the 26th December, A. D. 1842, and was held as a captive by the Mexicans until about September, A. D. 1844; that he was appointed interpreter of said Fisher's command, and diligently, faithfully and efficiently served in that capacity during the period above designated; that is, from the 26th of December, 1842, until September, 1844, in all twenty-one months; that by the Army regulations, his rank in reference to pay, was that of 2nd Lieutenant, or 67 dollars and 33 cents per month. Your committee would further report that under the act of the Legislature of date February 9th, 1850, making provision for the payment of the Soldiers who constituted the Mier and Santa Fe Expeditions, said Thurmond has received pay at the rate of twenty-two dollars and fifty cents per month for and during the time above referred to. Your committee, however, taking into consideration the arduous, responsible and even indispensable services rendered by said Thurmond in behalf of his fellow prisoners during their cruel and bloody captivity, as also the additional fact, that the other officers of said command have heretofore received, as the result of intelligent, just and patriotic legislation in their behalf, pay in accordance with the rank they held, deem it but just and right that Alfred S. Thurmond, one of that brave, chivalric and patriotic band, many of whom sealed their love of liberty and devotion to country with their life blood, should receive at the hands of this Legislature that pay to which his rank, his character and his services entitle him. Your committee believe him entitled to compensation at the rate of \$44 83 per month for the term of twenty-one months; this being the difference between his pay as a private soldier and the pay of a 2nd Lieutenant, amounting in all to the sum of nine hundred and forty-one dollars and forty-three cents, and direct me to report the accompanying bill and recommend its passage. All of which is respectfully submitted.

L. T. PRICE,

One of the committee on Claims and Accounts.

Report received and bill read first time.

Mr. Aycock, Chairman of committee on Public Lands, made the following report:

The committee on Public Lands to whom was referred the petition of Jas. Carry and sons, beg leave to report that the same would more properly belong to the committee on Private Land Claims, and recommend that it be referred thereto. The said petition is for the relief of emigrants from England induced to come to this country to get lands as Colonists in Peter's Colony, and prevented as they represent, from availing themselves of the benefit of the Colonization enterprise by a series of providential misfortunes which they set forth ; report received and adopted.

Also reported recommending the passage of a Senate bill to definitely define the Northern Boundary line of Mississippi and Pacific Railroad Reserve ; report received.

Mr. Bee, Chairman of committee on State Affairs, reported recommending the passage of the following bills :

A bill providing for the enumeration of the inhabitants of the State.

And a bill to incorporate the Fire Association of San Antonio.

And a bill to incorporate the town of Marlin.

And a bill supplementary to and amendatory of an act making provisions for marking the Boundary line between the State of Texas and the U. S. Territories.

A bill to incorporate the Beneficiary Association of San Antonio.

A Senate bill amending an act incorporating the European and American Colonization Society of Texas. Also reported asking to be discharged from the further consideration of a bill to change the name of Parmelia J. Wright ; report received.

Mr. Brown, Chairman of committee on Counties and County Boundaries, reported recommending the passage of a bill to create the County of Breckenridge, with the following amendments :

1st. " Strike out the word " Breckenridge " wherever it occurs in the bill and insert the word " Throckmorton. "

2nd. " Amendment, add to the 1st Section the words " in honor of Dr. William E. Throckmorton deceased, one of the first pioneers of Northern Texas ; " report received.

Mr. Locke, one of the committee on Roads, Bridges and Ferries, made the following report :

The committee on Roads, Bridges and Ferries to whom was referred a bill explanatory of the act approved 4th February, 1854, entitled an act to authorize the County Courts to regu-

late Roads, appoint overseers, &c., ask leave to be discharged from the further consideration of the same, and that the same be referred to the committee on the Judiciary ; report was on motion, taken up and adopted.

Also made the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee, to whom was referred the resolution instructing us to enquire into the necessity of making bridges and ferries free to all citizens in the county in which they are situated, and report by bill or otherwise, ask leave to report, that, in the opinion of the committee, such an Act would be a direct interference with vested rights which have inured to Companies from County Courts. That it would work the abrogation of contracts, and, therefore, is in conflict with the Constitution of the State of Texas.—See Art. 1st, Sec. 14. That it would be interfering with the domestic police regulations committed by law to the County Courts. And that, worse than all, it would be enlarging the theatre of Legislative action. whereas, in the opinion of the committee, it would be more compatible with public policy, and more conducive to public interest, to abridge the arena of our action, than to extend it. The committee would, therefore, report the resolution back to the House, and ask to be released from a further consideration of the subject.

Respectfully submitted,

M. F. LOCKE,
One of the committee.

Also, the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Roads, Bridges and Ferries, to whom was referred “a bill to authorize the County Courts to establish or discontinue private roads,” have had the same under consideration, and have instructed me to report, that, in the opinion of the committee, the multiplicity of roads is the mainspring of contention on that subject, and that when private interest calls for it, and private convenience is facilitated by it, private roads will be allowed and opened, and that legislation upon the subject would but give a fresh impetus to confusion on the much confused subject of opening roads.

Also, the following report :

“The committee on Roads, Bridges and Ferries, to whom was referred “A resolution requesting the committee to exam-

ine into the propriety of a revision of the General Road Law, and report by bill or otherwise, have examined the same, as, also, an Act supplementary to and amendatory of an Act approved February 4th, 1854, entitled an Act authorizing and requiring the County Courts to regulate roads, appoint overseers, &c." And after a full and searching examination of the subject, the committee adhering strictly to the position that laws of this character should not be altered, when once well understood, without good cause, demonstrates the utility of such alteration; yet they are satisfied that in order to make the present Road Law answer the wise purpose for which it was intended by its framers, and to allay the disquietude on this subject, of those who have a right to expect it at our hands, instruct me to report the following supplemental bill and recommend its speedy passage. Bill read first time.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed, "A bill to be entitled An Act for the relief of Joseph Baker."

"A bill to be entitled An Act for the relief of Louisa Warren."

"A bill to be entitled An Act to legalize Hopkins county Land District, and legalize surveys made therein."

"A bill to be entitled An Act to regulate the pay of Grand and Petit Juries in the county of Smith."

"A bill for the relief of Zippon Whiteside and the heirs of Henry Whiteside."

"A bill to be entitled An Act concerning county commissioners of the several counties of the State."

"A bill to be entitled An Act to organize the county of Presidio."

"A bill to be entitled An Act to incorporate the Richmond Masonic Hall Association in Fort Bend county."

And also a "Joint resolution authorizing the Commissioner of Claims to employ two additional clerks." Report accepted

Mr. Locke, Chairman of the committee on Enrolled Bills reported correctly enrolled "An Act for the relief of the Galveston, Houston and Henderson Railroad Company, and in amendment of the incorporation thereof, and of the acts amending the same and in addition thereto."

"A Joint Resolution requesting our Representatives, and instructing our Senators in the Congress of the United States, to call upon the United States Government to refund the money heretofore paid out by the State of Texas for the

defence of her frontier, since the 28th day of February, 1855 ;" report accepted.

Mr. Everett, one of the committee on Enrolled Bills, reported correctly enrolled "An Act making an appropriation of fifteen thousand dollars to defray the contingent expenses of the 7th Session of the Legislature ;" report accepted.

BILLS AND RESOLUTIONS.

Mr. Wælder introduced "a bill to be entitled An Act amendatory of and supplementary to an act to incorporate Herman's University ;" read first and second times, and referred to the committee on Education.

Mr. Smith of Fannin introduced "A bill entitled An Act to regulate the revenue arising from lands ;" read first and second times, and referred to the committee on State Affairs.

Mr. Shannon introduced "A bill to incorporate the Tellico Manufacturing Company ;" read first and second times, and referred to the committee on State Affairs.

Mr. Gaston introduced "A bill to prevent vice, immorality, or unnecessary idleness on the Christian Sabbath ;" read first and second times, and referred to the committee on the Judiciary.

Mr. Poag introduced "A bill to be entitled An Act for the relief of Henry Hilton ;" read first and second times, and referred to the committee on Private Land Claims.

Mr. Gaston introduced "A bill to regulate the drawing of Juries ;" read first and second times, and referred to the Judiciary committee.

Mr. Wælder introduced "A Joint resolution to provide for the recording of the Journals of the Senate and House of Representatives ;" read first and second times, and referred to the committee on State Affairs.

Mr. Lee offered the following resolution :

Resolved, That the Joint Select committee on Court of Claims be authorized to employ a clerk, and that said clerk be paid out of the contingent fund of this House."

Mr. Chilton moved to amend by adding "that each member of this House be authorized to employ a private secretary, and that the Treasurer be authorized and required to pay the amount for such employment out of any moneys heretofore appropriated and expended.

On motion of Mr. Locke, the amendment was laid on the table.

Mr. Rainey moved to lay the resolution on the table ; lost.

The question then recurring on the adoption of the resolution, was put and adopted.

Mr. Hicks offered the following resolution :

“Resolved, That the committee on Slaves and Slavery be requested to inquire into the expediency of preventing by law the owners of slaves from separating by sale children under eight years of age from their mothers, and report by bill or otherwise.”

Mr. Rainey moved to lay the resolution on the table ; lost, and the resolution was then adopted.

Mr. Brown introduced a Joint resolution, providing for the purchase of Pressler's Map of Texas ; read first and second times, and referred to the committee on State Affairs.

Mr. McKinney of Travis offered the following resolution :

“Resolved, That the committee on Internal Improvements be instructed to enquire into the expediency of so amending the Loan Bill as to permit Railroad Companies, who have completed a section of twenty-five miles, to avail themselves of the provisions of said Bill on the completion of each subsequent section of five miles completed and put in running order ;” adopted.

Mr. Evans of McLennan offered the following Preamble and Joint resolutions :

PREAMBLE AND JOINT RESOLUTIONS.

Whereas, Since the adjournment of the last session of the Congress of the United States, the President, by authority vested in him, has appointed the Honorable Robert J. Walker Governor of the Territory of Kansas ; and, whereas, it is the opinion of the people of Texas, through their Senators and Representatives in the State Legislature assembled, that the said Robert J. Walker has, by unwarrantable interference with the question of Slavery in said Territory, acted in bad faith towards the southern States of the Confederacy ; and, whereas, the said Walker has, in spirit, infringed upon and violated the doctrine of non-intervention, contained in the last national Democratic Platform ; and, whereas, there is no practical difference, to the South, between Congressional and Executive intervention upon the subject of Slavery in the Territories of the Union ; and, whereas, it will devolve upon our Senators in Congress to vote for the confirmation of the appointment of said Walker, and thereby sanction his conduct, or to vote for his rejection as Governor, and thus place the Democracy of

Texas in its proper position before the nation : Be it, therefore,

Resolved, By the Legislature of the State of Texas, That it is the deliberate sense of the people of Texas, expressed through their Representatives in the State Legislature, that the Honorable Robert J. Walker, Governor of the Territory of Kansas, has, in an unjustifiable manner, used his influence and position in favor of the interests of the Anti-Slavery party in said Territory ; and, in doing so, has violated the great fundamental doctrine of non-intervention by the Federal Government, upon the subject of Slavery in the Territories of the United States ; and that the aforesaid use of his influence and position has been seriously detrimental to the interest of the South in said Territory.

Resolved, That our Senators in the Congress of the United States be, and they are hereby instructed to refuse, by their vote, to confirm the appointment of said Robert J. Walker as Governor of the Territory of Kansas.

Resolved, That a properly authenticated copy of these Resolutions be forthwith forwarded to each of our Senators in Congress.

On motion of Mr. Wælder, the resolutions were rejected by the following vote :

YEAS—Messrs. Speaker, Aycock, Baldwin, Barnard, Bishop, Brown, Buckley, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Craig, Cook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Everett, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Hicks, Holland, Howerton, Jennings, Johnson, Kinney, Kittrell, Lacy, Latham, Lewter, Locke, Loyd, McKinney of Travis, Merriman, Munson, Norton, Powell, Rainey, Reeves, Rogers, Runnels, Scott, Shelton, Smith of Fannin, Smith of Orange, Upshaw. Wælder, Walling, Ward, Witt, and Wood—64.

NAYS—Messrs. Bee, Evans of McLennan, Fisher, Lesueur, Price, Rhodes, Ross, Tait, and Waterhouse—9.

On motion of Mr. Brown, Mr. Joseph was excused from attendance on the House on account of indisposition.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed "A bill to be entitled An Act to pay for printing the proclamation of the Governor."

"A bill to be entitled An Act to incorporate Colorado College." And

"A bill to be entitled An Act to incorporate the town of Weatherford." Report accepted.

On motion of Mr. Bee, the vote adopting the report of the committee on Claims and Accounts on a bill for the relief of N G. Allen, was reconsidered, and the bill was recommitted to the committee on Claims and Accounts.

Mr. Locke, by leave, introduced the following resolution:

Resolved, That the Speaker of the House proceed to appoint the usual committee on the Treasurer's Office;" adopted.

On motion of Mr. Wood, the House adjourned until Monday next, 10 o'clock A. M.

AUSTIN, November 23rd, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of Friday 20th inst., read and adopted.

The Speaker announced Messrs. Henderson of Harris, Harrison, Ward and Locke, a committee on the Treasury Department.

A communication directed to the Speaker of the House of Representatives, relative to the contested seat between Messrs. Powell and Lewis, taken from the Speaker's table, and on motion of Mr. Brown, laid on the table.

PETITIONS.

Mr. Hardeman presented the petition of Thomas Haskins; referred to Judiciary committee.

Mr. Smith of Fannin, presented the petition of sundry citizens of the Choctaw Nation; referred to committee on State Affairs.

Mr. Scott presented the petition of sundry ladies asking the enactment of a law recognizing the Christian Sabbath; referred to committee on State Affairs.

Mr. Evans presented the petition of four citizens of Lampasas county; referred to committee on Public Lands.

Mr. Navarro presented the petition of Juana N. Alsberry; referred to committee on State Affairs.

Mr. Wood presented the petition of sundry citizens of Leon county, for the relief of settlers in the Mississippi and Pacific Railroad Reserve; referred to committee on Public Lands.

Mr. Waterhouse presented the petition of Wm. Defee; referred to committee on Private Land Claims.

Mr. Shannon presented the petition for the relief of assignees and vendees of settlers in the Mississippi and Pacific Railroad Reserve ; referred to committee on Public Lands.

REPORT OF STANDING COMMITTEES.

Mr. Jennings, Chairman of committee on Judiciary, made the following report :

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The Judiciary committee to whom was referred the petition of Jno. Jackson praying to be restored by act of the Legislature, to the roll of Attorneys at Law from which he was stricken on the 26th day of March last by a Judgment of the District Court of Sabine county, held by the Hon. A. W. O. Hicks, Judge of the 5th Judicial District, have had the same under consideration and instruct me to make the following report of the case presented : The petition of Mr. Jackson is accompanied by what appears to be a full and authentic transcript of the proceedings of the Court against him, together with a petition of more than fifty respectable citizens of Sabine county, and of eight members of the Bar, being nearly all who usually attend that Court, affirming him to be "*an efficient, trustworthy, and honorable member of the Bar,*" asserting the belief that great injustice was done him by the order of the Court complained of, and praying his restoration to the Bar.

The charges upon which the Judgment of the Court was rendered, are stated in the verdict of the jury in these words : "We, the jury, find that the said Defendant did use of, and concerning A. W. O. Hicks, a Judge of the District Court, and in relation to the Judicial action of said Judge in Court, the following language : That Judge Hicks was a God damned corrupt and perjured scoundrel, and that as a Judge, he made up his decisions out of doors and he could prove it. Also, we, the jury, find from the testimony that Defendant was retained as an Attorney at Law by James B. McMahon, in a case in Justice Dewees Court of Sexton vs. McMahon, before the Defendant was returned by said Sexton."

As to the first charge against Mr. Jackson, the alleged contemptuous words uttered against Judge Hicks, they appear to have been spoken in an angry dispute when the District Court was not in session between Jackson and J. B. McMahon, the prosecutor of these charges in regard to the comparative fitness of Messrs. Walker and Hicks for the office of Judge,

they being opposing candidates for that office at the time. Your committee have instructed me to refrain from invading the province of the Judicial branch of the government, by commenting upon the legal sufficiency of this charge, but it is deemed just to Mr. Jackson, to present here the view taken of his position and motives on the occasion by his professional associates. They say, "Although he may have uttered words derogatory to the character of said Hicks during such Judicial election, that he did so under a belief that whilst said Hicks was a candidate for the office of Judge, he was like Samson when shaved of his locks, (i. e.) "like as other men," and that said Jackson did not intend to commit a contempt of Court, by the part he took in said Judicial election."

As to the second charge, the members of the Bar say : "Said Jackson in his answer on oath flatly denied the charge of taking the retainer from McMahan, and no evidence was introduced on the hearing of the motion in behalf of the same except the testimony of said McMahan, (the prosecutor) and we have no hesitancy in saying that the oath of said Jackson is entitled to as much respect as that of said McMahan, and we believe that the difference between them in relation to said retainer arose from misunderstanding and misapprehension of the facts, and not from any design on the part of said Jackson to act corruptly or dishonorably as an Attorney at Law."

This view is strongly supported by a written statement of Mr. Frank B. Sexton, (the Plaintiff in the suit out of which this charge arose.)

Under these circumstances, while your committee decline recommending a Legislative reversal of a Judicial sentence, yet deeming that injustice may have been done Mr. Jackson by the verdict and judgment complained of, and inasmuch as relying upon legislative relief, he has neglected to prepare his case for revision in the Supreme Court, they have instructed me to report the accompanying bill providing for a new trial of the case and recommend its passage ; report received.

Mr. Kittrell, Chairman of the committee on Education, made the following reports :

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Education to whom was referred a bill amendatory and supplementary to an act to incorporate Herman's University, have examined the same, and have instructed

me to report the bill back with the accompanying amendment and recommend its passage :

Amend by inserting after the word " mixed " in the 13th line of 2nd Section, the words " not to exceed two hundred thousand dollars in value," and at the end of the same Section, the words " not incompatible with the laws and Constitution of the State ; " report received.

Also reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Education to whom was referred a bill to incorporate the German Free School Association, in the city of Austin, have examined the same and have instructed me to report it back to the House and recommend its passage without amendment ; report received.

Also reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives,

The committee on Education to whom was referred the Joint Resolution proposing to amend the 3rd Section of the 10th Article of the Constitution, relative to the four leagues of County School lands, have carefully considered the same, and have instructed me to say, that however wise the policy and pure the motives which influenced the framers of the Constitution to tie up and transmit the School lands by the inhibition sought to be remedied by the proposed amendment, yet they are clearly of the opinion that the policy has not worked that advantage which it was then believed it would. Your committee have learned from reliable sources that Squatters are settling on, and contiguous to the School lands, and are exhausting the lands and especially despoiling them of their timber, which in the sections of the State where they are located, constitutes their chief value. We are, therefore, of the opinion that the value of the lands, instead of being enhanced by time as was evidently contemplated by the framers of our *organic law*, is now at least being constantly depreciated from the causes above named.

The committee would suggest that as the matter now stands, neither the Legislature nor the counties owning the lands, can remedy the evil only in the way contemplated by the resolution of enquiry under consideration.

They, therefore, have instructed me to report back the res-

olution amended to read as follows, and recommend its adoption :

Amendments—"Joint Resolution," proposing an amendment to the Constitution of the State.

"*Be it resolved by the Legislature of the State of Texas,*
 "That the Third Section of the Tenth Article of the Constitution of the State be so amended as to read as follows, viz:

"SECTION 3rd. All public lands which have been heretofore,
 "or which may hereafter be granted for public Schools, to the
 "various counties, or other political divisions in this State, may
 "be sold under the direction of the Legislature, on such terms
 "as may be prescribed from time to time by the same."

In connection with this subject, your committee have not deemed it altogether relevant or out of place, to express some opinion concerning the propriety of calling a State Convention to amend our Constitution. After canvassing the subject freely in committee, a majority of those present have instructed me to say, that in view of the great difficulty in procuring such amendments in our fundamental law, as experience and its practical workings from time to time have suggested as necessary, in the way provided for in the instrument itself, they would recommend the calling of a State Convention to make such amendments as the rapid growth of our State and the changes in the developement of her diversified interests and policy have seemed to render necessary. Your committee, in order to save the necessity of a minority report on this subject at this time, have instructed me to name at their request, certain gentleman of the committee, who either oppose or doubted the propriety of a call of a Convention and who, consequently, opposed the same in committee.

They were Messrs. Everett of Cherokee, Poag of Panola, and Craig of Harrison.

Your committee deem a more extended report on this question at this time unnecessary, as it will be brought before your honorable body by the committee which more appropriately has charge of the subject ; report received.

Mr. Gaston, one of the committee on Claims and Accounts, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Claims and Accounts to whom was referred the petition of the heirs of J. W. Barton, deceased, have

had the same under consideration and a majority of them have instructed me to report as follows :

Petitioners set forth in their petition that Maj. J. W. Barton of the Battalion of Rangers, received from David G. Burnett, President of the Republic of Texas, an order upon the Quarter Master of the Port Velasco, dated July 8th, 1836, for the sum of nine thousand four hundred and ninety-six dollars and thirty-six cents, \$9496 34, which was the amount of prize money due him and his men (seven others besides himself,) for capturing two vessels, viz : the Schooner Commanche and Fanny Butler. The order is in the following language : You will pay the above sum out of said cargoes at their cost and carriage prices, allowing \$2800 as the cost of transportation of the two cargoes.

The evidence before your committee shows that J. W. Barton was entitled to three tenths of the prize money as an officer of the Army. It further shows that on the 11th day of July, 1836, he drew upon the Quartermaster to the amount of \$2000, which amount after deducting \$2800 from the whole amount, as the cost of transportation, shows a balance of only \$8.89 cents in his favor. Therefore, the majority of your committee are of the opinion that the relief asked should not be granted, and would respectfully ask to be discharged from the further consideration of the same ; report received.

Mr. Wælder, one of the Judiciary committee made the following minority report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

A majority of the committee on the Judiciary have recommended the indefinite postponement of a bill providing for the publication in newspapers of Sheriff's, Executor's and Administrator's Sales of Real Estate and Slaves. The undersigned beg leave to differ from the report of the committee, and in submitting this dissenting report, it is but proper that they should state some of the reasons governing their action.

Persons who desire to dispose of property at private sale invariably deem it expedient to give such sales the most extended publication. For this purpose, newspapers, as well as hand-bills, are resorted to. It seems to be a settled conviction of sellers in such cases, that those sales are rendered the most profitable, which have had the widest circulation. Merchants, Auctioneers and vendees of all kinds of wares and other property, who spare neither money nor pains in giving the most

extensive information to the public of their business, are as a general rule, the most successful. This fact alone seems to be a strong reason for advertising sales of the character above mentioned in newspapers.

But there are still further and perhaps stronger reasons in favor of publishing such sales in the manner indicated. Under the present law, all forced sales and sales made by Executors and Administrators, are posted at the Court House door, and at two other places in the county in which the sales are to be made. It will hardly be pretended that such posting is full notice to the public.

It has been said, and with truth, no doubt, that notices of this character are frequently torn down, sometimes designedly; sometimes carelessly, within a short time after the posting has taken place.

This is not the only reason, however, why a different and more secure mode of information should be adopted.

The truth is in our opinion, that the present mode of advertising is insufficient to give that notice which the interest of all parties interested demand. A publication of forced sales in the newspapers will enure to the benefit not only of the defendants but also to the benefit of plaintiffs in execution. A defendant's property is now often sacrificed for the want of notice even to himself. Property, the value of which would often cover his entire indebtedness, is sold at a mere song, simply because the sale is unknown to any considerable number of persons. A plaintiff becomes the purchaser at a very small price, a speculator who happens to be about the Court House on a sale day, is enabled to enrich himself at the expense of an unfortunate neighbor. The man who has, from misfortune or from his own improvidence, become a defendant in execution, frequently has his property swept away from him at one-tenth of its value. If cases like this do not commend themselves to our consideration, yet those involved in the sacrifice, cannot fail to claim our attention. These are the families—the wives and children of the persons whose property is placed under the hammer, and whose interests should be guarded with a most watchful eye.

On the other hand it is, as the law now stands, often in the power of a defendant to prevent a proper sale of property which has been seized, and to retain such property without paying his just debts; and this, too, is a power which is not unfrequently exercised. It must be remembered that there

are fraudulent as well as unfortunate debtors. To prevent the former class from imposing upon their creditor full notice should be given of the sales of property seized under execution.

Again, the plaintiff and defendant in execution are not always the only parties interested in the sale of property under execution. There may be, and often are, other creditors whose interests it is to make property seized bring its full value. This they have no opportunity of doing under the limited notice now given of forced sales. This has occurred and will occur again, that a single creditor will, under an understanding with a defendant in execution, prevent the sale of property at anything like a fair price and the creditor or creditors who are not interested in the particular execution are deprived, nay, sometimes defrauded of their rights. In short, the advantages to be derived from a publication of forced sales in newspapers, commend themselves so strongly to the undersigned, that they do not deem it necessary to urge further reasons for the propriety of their course.

What is said of forced sales applies, in our opinion, with double force to sales made by Executors, Administrators and guardians.

The undersigned have, therefore, deemed it their duty to lay before the House, their reasons for dissenting from the report of the majority of the committee. They beg leave to submit the accompanying substitute for the bill and amendments, referred to the committee, and they earnestly recommend its passage.

JACOB WÆLDER,
J. W. HENDERSON,
JO. EVERITT,
L. F. PRICE,
R. M. POWELL,
WM. EDWARDS,

WM. D. WOOD,
THO. J. JOHNSON,
E. J. CHANCE,
A. J. EVANS,
THOS. J. JENNINGS,
SOMERS KINNEY,

R. H. WARD.

Mr. Evans one of the committee on Public Lands, reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

Your committee to whom was referred a bill for the relief of a certain class of persons therein named, have had the same under consideration, and instruct me to report the accompanying substitute and ask its passage.

Your committee beg permission to place before your honorable body the reasons that have influenced them in their action in the premises.

We find by reference to past Legislation of the State, that it has been our policy to grant to actual settlers, on vacant Public Domain, their homes as pre-emptioners. Of the propriety or soundness of this policy, it does not become your committee now to speak. It has, up to a short period since, been the fixed policy of the State and has now, no doubt, done much to aid in the speedy settlement of our domain. The object of the substitute is not to change or modify the policy, but to carry the same into full and practical operation.

We might perhaps be permitted to remark in this connexion, that we should not, as is too often the case, consider these pre-emption privileges as a guarantee on the part of the State.

The pioneer who is willing to penetrate the frontier with his wife and children; who is willing with stout arm and courageous heart to rear his cabin in the distant mountain gorges of the State; whose midnight slumbers are often disturbed by the yell of the marauding Indians; who in short, consents to undergo the toil and privation incident to a frontier life; who tames the forest and causes the wilderness to blossom as the rose, pays for his home thrice told, when the commissioner delivers to him his patent.

To relieve a particular class of those settlers is the object of the action asked at your hands.

Your committee are fully satisfied from the personal statements of members of their body, that there are certain persons who have done and performed all of the duties required at their hands, but who by honest mistakes in the selection of their settlements have been totally deprived of any right or benefit under said laws. They have done their duty, and now ask the resulting rights.

The persons contemplated by the accompanying substituted bill went into our frontier, and made their settlements, under the pre-emption law then in force giving to actual settlers on vacant public domain 320 acres of land, upon payment of \$20,00 in gold or silver.

These persons in selecting their locations in some instances (they are not numerous) in the knowledge of the members of your committee, made mistakes and selected lands previously given or granted to other claimants.

The law under which they were acting, allowed them the space of eight months in which to have their lands surveyed, which survey when made, disclosed for the first time to them, their mistakes and the fact that they were on land previously and otherwise appropriated; but it was then too late, the Legislature stepped, and upon the 13th day of February 1854 repealed the law under which they settled, and left them without remedy.

They have performed all the services, but have failed by no fault of theirs to reap the benefits of such labor. This body can then, it is earnestly hoped, see the abundant propriety of giving to this class of persons the right they have lost by a mistake innocent in its character, and very subject to be made. This body may perhaps desire to be informed of the reasons why the committee have thought fit to limit the relief to parties who made settlements within eight months prior to the 13th of February 1854, or after June 13th A. D. 1853.

We answer that the law under which persons of this character settled required them within the space of eight months after their settlement to have their lands surveyed, and persons settling prior to the said 21st day of April A. D. 1853 had time to discover their mistake by actual survey and have changed their settlement and thus have avoided the loss of the same.

To the mind of your committee the argument of mistake will have full force when it is remembered that the first locations in a new country, are in most cases made in a hurried manner and generally but imperfectly marked. A mound of earth often not three inches high, raised with the hack-knife is in a prairie region of country, all the evidence left of the largest surveys in many instances.

Your committee find that where locators of certificates make such mistakes as in these cases, they were allowed floating and cancelling privileges and they can see no impropriety in relieving pre-emption settlers from the same character of mistakes.

Your committee think think the guards and restrictions in the bill, sufficient to protect fully the rights of the State, and are as onerous as can be made consonant with the receipt of any advantage under the bill; report received.

On motion of Mr. Kittrell, the vote adopting the report of the committee on Claims and Accounts, on a bill to be entitled

an act for the relief of Geo. Gordon, was reconsidered and re-committed to the said committee.

On motion of Mr. Brown, Messrs Hicks, Haynes of Washington, Buckley and Bishop, were added to the committee on Slaves and Slavery.

Mr. Runnels offered the following resolution :

Resolved, That if the Senate concur, there be a joint committee of seven, four from the House and three from the Senate, appointed to fully investigate the present Probate Law, and take such course in altering, amending or revising the same as they may think best calculated to promote the interest of such persons as it was originally intended to benefit, and report the same back to this House as soon as practicable ; adopted.

Mr. McKinney of Travis, offered the following resolution, which was adopted.

Resolved, That the committee on Public Buildings be, and they are hereby authorized and required to have erected a suitable portable railing to separate the Lobby from the Hall of the House or that portion of it occupied by the members.

Mr. Kittrell offered the following resolution, which was adopted.

Resolved, That the attention of the Judiciary committee be particularly directed to enquire into the propriety of enacting a law against swindling, or some similar law, and that they be required to report by bill or otherwise.

Mr. Powell introduced a bill providing for a sufficient supply of authentic Lithographed Maps of the surveys of lands of the several counties of the State ; read first and second times, and referred to the committee on State affairs.

Mr. Howerton introduced a bill to be entitled an act for the purchase of the Alamo Monument ; read first and second times and referred to the committee on State Affairs.

Mr. Lewter introduced a bill to authorize the Clerk of the County Court of Smith county to transcribe into a bound book, to be procured by him for that purpose, all records herein after mentioned ; read first and second times and referred to the committee on counties and county Boundaries.

The hour having arrived, the special order of the day viz : the report of the chairman of the Educational committee relative to the establishment of a State University, was taken up and adopted.

On motion of Mr. McKinney of Travis, the vote adopting the report was reconsidered.

A message was received from the Senate announcing to the House, that the Senate had passed the following bills originating in the House.

A bill to be entitled an act to legalize Hopkins county Land District, and legalize Surveys made therein, and

A Joint resolution authorizing the Commissioner of Claims to employ two additional clerks.

Also the following bills originating in the Senate.

A bill to be entitled an act to repeal a portion of the 10th section of the act of February 10th 1852, entitled an act relating to lands in Peters' Colony, and to prohibit patenting upon certificates issued under the provisions of said section of said act, and

A bill to be entitled an act for the relief of the legal representative of Eli Hart, deceased.

Mr. Chilton offered the following resolution.

Resolution, That no message shall be received from the Senate during the time that any member of the House may be addressing the Speaker, but at the option of the member speaking—postponed until to-morrow (Tuesday 24th inst.,

Mr. Cleveland moved to reconsider the vote rejecting the Preamble and Resolutions relative to the administration of Robert J. Walker, as Governor of Kansas Territory.

On motion of Mr. Henderson of Harris, the House adjourned until to-morrow 10 o'clock, A. M.,—pending Mr. Cleveland's motion to reconsider the resolutions.

AUSTIN, NOVEMBER 24th, 1857.

House met pursuant to adjournment—roll called, quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Lee presented the petition of Frederick Good, praying that the Commissioner of the General Land Office be authorized and required to issue to him, two patents, as assignee of John George and John Scott; referred to the committee on Private Land Claims.

Mr. Rogers presented the petition of certain citizens of Grimes county relative to the compensation of District Clerk and Sheriff's; referred to the Judiciary committee.

Mr. Burnett presented the petition of James W. Parker ; referred to committee on Claims and Accounts.

Mr. Dalrymple presented the petition of certain citizens of Burnet county, relative to the fees of District Clerks and Sheriffs ; referred to the Judiciary committee.

Mr. Hicks, one of the committee on the Judiciary, made the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Judiciary committee to whom was referred the bill of John Dillon, Jr., and accompanying documents, asking an appropriation of land, &c., have examined the same, and consider that it is a matter more properly referable to the committee on Private Land Claims. They, therefore, report the same back to the House, and recommend its reference to the said committee ; report taken up and adopted.

Mr. Wood, one of the Judiciary made the following report.

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Judiciary committee to whom was referred the report of the Commissioners appointed to investigate the land board within Peter's Colony, and the message of his Excellency the Governor, accompanying the same, have had the same under consideration, and have instructed me to report that in the opinion of the committee, the consideration of the subject more appropriately belongs to the committee on Public Lands. They therefore ask that such reference be made by the House, and this committee discharged from the further consideration of the same.

On motion of Mr. Brown, 200 copies of the message and accompanying documents ordered to be printed.

Mr. Howerton, one of the committee on Private Land Claims, made the following report :-

COMMITTEE ROOM.

November 24th, 1857. }

TO HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims to whom was referred the following petitions to wit :

The petition of Patrick C. Shannon and Silasbery Haley, and the petitions of L. C. Furguson and the petition of H. M. Lawson and others, and the petition of Florinda Dixon, and the petition of J. Morgan, as also the petition of James

Carry and son, with the report of the committee on Public Lands, have instructed the undersigned to report that they have had all of said petitions before them, and after thoroughly examining the same, and maturely considering all the facts and proofs accompanying the said petitions, they are of opinion that the relief sought by the petitioners ought not to be granted, and therefore report the same back to this House, and ask to be discharged from the further consideration thereof. On motion taken up and adopted.

Mr. Buckley, chairman of the committee on Private Land Claims, made the following report :

COMMITTEE ROOM, }
November, 24th, 1857. }

TO HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom were referred, a bill for the relief of Live Korn, have had the same under consideration, and instruct me to report, that from evidence adduced before us, we find that, by virtue of an act entitled an act for the relief of Live Kron, approved February 10th, 1852. Thomas William Ward, Commissioner for Peters' Colony, issued to Live Kron, a certificate for 640 acres of land, as one of the Colonists introduced into said Colony, but failed to report the same to the Commissioner of the General Land Office, and that said certificate has been lost; and that by reason of the loss of said original certificate, and the failure of said Ward to report the same to the Commissioner of the General Land Office, said Kron is unable to procure a duplicate, and is without legal remedy to obtain his rights, therefore they report the accompanying substitute for the original bill, and recommend its passage.

On motion of Mr. Reeves, the rule was suspended and substitute adopted, and ordered to be engrossed, rule further suspended, read third time and passed,

Mr. Buckley, chairman of the committee on Private Land Claims, reported recommending the passage of a bill as amended, to be entitled an act for the relief of Henry Hilton.

Mr. Wood, one of the committee on Private Land Claims, made the following report :

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Jesse Walling, have had the same un-

der consideration, and have instructed me to report as follows :

The committee find the facts to be these :

Joshua Secting was a citizen of Texas, upon the day of the date of the declaration of Independence ; was a married man, the head of a family, served in the Army in 1835, and was under the Constitution and Laws of the Republic of Texas, entitled to a league and labor of land. Said Secting sold his claim to petitioner ; petitioner applied to the Board of Land Commissioners for Nacogdoches county, for a certificate which was refused ; petitioner brought suit in District Court to establish his claim, and the jury found in his favor. The judgment of the District Court was appealed from by the Republic, and the Supreme Court decided that, although petitioner as assignee was entitled under the Constitution to his land, yet as petitioner had failed to comply with the mode pointed out by law to enforce such claim to wit : By proving that said Secting was a resident of the State at the time of the application for the certificate, that petitioner was remedyless, without some legislative action in his favor.

From all the facts, the committee have no hesitancy in saying that, the said Secting, under the Constitution, was entitled to one league and labor of land, and that the petitioner being his *bona fide* assignee, ought to be entitled to the same rights. They therefore, unanimously report the following bill and recommend its passage.

WM. D. WOOD,
One of the committee.

Report received.

Mr. Price, one of the committee on Claims and Accounts, made the following minority report on a bill for the relief of I. W. Burton.

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representative :

The undersigned members of the committee on Claims and Accounts, to whom was referred the petition of the heirs and legal representatives of Maj. I. W. Burton deceased, asking for the payment of an ascertained balance of prize money due said Burton, on account of the capture in the year of 1836 of the cargoes of the Schooners Comanche and Fanny Butler, after a patient and protracted investigation of the facts connected with said claim, find themselves unable, in the conscientious discharge of their duties, to agree with the majority of

the committee, in their report on said bill, and therefore submit to the impartial consideration of the House, the subjoined minority report; as also an accompanying bill, and earnestly recommend its passage.

The material facts connected with this case, are briefly as follows: viz: on the day of 1836, Maj. J. W. Benton commanding a battalion of Texas Rangers, (afterwards known as the horse marines,) captured the schooners Comanche and Fanny Butler, freighted with stores and munitions of war for the Mexican army, these stores invoiced at twenty-five or thirty thousand dollars, were appropriated by the Texan Government, and by the most ample and indubitable testimony before the committee, stood the government in hand, from fifty to seventy thousand dollars. Benton and the men immediately concerned with him in the capture, were by competent authority, adjudged to be entitled to the sum of nine thousand four hundred and ninety-six dollars and thirty-five cents as prize money, awarded them for the capture of said vessels, and for which they received an order from David G. Burnett, then President of Texas upon the Quarter master at the port of Velasco, said order specified that J. W. Benton, was entitled to three tenths of the above named amount, and the other individuals named in the order to one tenth each, the sum of Two thousand eight hundred and forty-eight dollars and ninety cents, was distinctly ascertained and marked upon the order as being the share of Maj. Benton. This order drawn on the eighth July 1836, was received and filed by Theodore S. Lee, Quarter master of the port of Velasco on the 10th of the same month. Subsequently Benton drew upon Lee for two thousand dollars, which draft was accepted by Lee, and on the same day Benton's entire claim was audited by A. Brigham Auditor, who in his certificate, mentions the fact that Benton had received a draft for two thousand dollars, which was in part payment of the claim, leaving a balance of \$848,-90 due him. Add to all this the office endorsements of H. C. Hudson, comptroller bearing even date with the certificate of the Auditor, show the fact that there was still a balance of \$848,90-100 due to J. H. Benton. The original order from David G. Burnett, the account presented by Benton by A. Brigham, Auditor, and his certificate attached thereto as also the endorsements of A. C. Hudson the Comptroller, all conspire to dispose in the most conclusive manner the assumption, that \$28,00, which was allowed the owners of the vessels, as

freights was to be subtracted from the aggregate amount allowed Benton and his men as prize money. And to remove every shadow of doubt upon this subject, the committee had the testimony of distinguished gentlemen who were in the service of Texas at the time, and were personally cognizant of all the facts connected with this whole affair, disproving most conclusively the conclusions arrived by the majority of the committee.

It is difficult to imagine a claim more strongly fortified by indubitable evidences, historical and documentary and oral, or one which addresses itself more strongly to the good sense and favorable consideration of an enlightened and just Legislature.

All of which, with the accompanying bill is respectfully submitted for the further action of the Legislature.

L. F. PRICE.

W. J. MUNSON.

H. RHODES.

Report received.

Mr. Aycock, chairman of the committee on Public Lands made the following report.

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Public Lands, after mature consideration of the provisions of the Senates bill, entitled An Act supplemental to an Act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, referred to them, have instructed me to report the same back to the House and recommend its passage.

Mr. Bee chairman of the committee on State Affairs to whom was referred a bill regulating the sale of spirituous liquors have examined the same, and instruct me to report the bill without amendment and recommend its passage; report received.

Mr. Munson one of the committee on State Affairs made the following report:

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on State Affairs to whom was referred the memorial of Chas. Sheppard, praying a pension in consideration for services rendered the late Republic of Texas, as a soldier, have had the same under consideration and are of opinion that the application of Mr. Sheppard is reasonable and meritorious.

Your committee are further satisfied from the affidavits of a number of respectable witnesses that said Sheppard whilst on duty as a soldier, received a severe wound, in consequence of which he is unable to support himself, and that he has no means, and is now in a destitute condition, and it further appears that \$31,50-100 is all the money ever received by Sheppard from the State—wherefore your committee have instructed me to report the following bill and recommend its passage; report received, bill read first time.

Mr. Haynes of Starr, one of the Finance committee reported as follows:

The committee on Finance, to whom was referred a bill to relinquish the State tax for the years 1858 and 1859, to certain counties for purposes therein named, by leave to report a substitute for the original bill and recommend its passage.

We find that the objects of the bill is to relinquish the State tax to the counties of Starr, Hidalgo, and Cameron for the purpose of building good and substantial jails.

Those counties are situated on the Rio Grande frontier, and are infested with a large number of fugitives from justice from the neighboring Republic of Mexico, in addition to the soil disposed of the resident population, and it has been represented to the committee that the Treasuries of those counties, including the taxes heretofore relinquished, have been exhausted in the support and guarding of the large number of prisoners confined in temporary prisons, and they have not been able to erect suitable jails. As the present bill confines the expenditure of relinquished tax to that specific object. We recommend its passage.

All of which is respectfully submitted; report received.

Mr. Bee chairman of committee on State Affairs, reported back a bill for the relief of John Morton, and asked its reference to committee on Claims and Accounts; adopted.

Mr. Lock offered the following resolution:

Resolved, That this House will hereafter hold two sessions a day and that we meet to hold evening sessions at 3 1-2 o'clock P. M.

On motion of Mr. Henderson of Harris, the resolution was laid on the table by the following vote:

YEAS—Messrs. Aycock, Baldwin, Bee, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Fisher, Hall, Harde-man, Harris of Guadalupe, Haynes of Starr, Haynes of

Washington, Henderson of Cass, Henderson of Harris, Holland, Howerton, Jennings, Joseph, Kinney, Kittrell, Lacy, Lee, Leseur, McKenny of Hopkins, McKinney of Travis, Merriman, Mills, Munson, Murrah, Navarro, Poag, Powell, Price, Rainey, Reeves, Rhodes, Rogers, Ross, Runnells, Smith of Orange, Tait, Upshaw, Wælder, Walling, and Wood,—55.

NAYS — Messrs. Speaker. Barnard, Bishop, Brown, Burks, Carrol, Collier, Crook, Evans of McLennan, Everett, Gaston, Hardeman, Harrison, Hart, Hicks, Higgins, Kirk, Latham, Lewter, Locke, Lloyd, Norton, Roberts, Scott, Shannon, Shelton, Smith of Fannin, Waterhouse,—27.

Mr. McKinney offered the following resolution:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of enacting a game law, to prevent the hunting and killing of deer, Turkeys, Prairie chickens and quails during spring and early summer months, and to prevent the killing of deer at any time for their skins only, and report by bill or otherwise.

On motion of Mr. McKenney of Hopkins, laid on the table

Mr. Aycock introduced a bill for the relief of J. B. and D. R. Wortham; read first and second times and referred to committee on Private Land Claims.

Mr. Bishop introduced a bill to legalize field notes of Pre-emption surveys, which have not been sent up to the General Land Office as required by law; read first and second times and referred to committee on Public Lands.

Mr. Rogers introduced a bill to permit certain negro slaves to remain within the limits of the State until A. D. 1860; read first and second times and referred to committee on Slaves and Siavery.

The Speaker announced Messrs. Mills, Hicks, Ross, and Runnells, a joint select committee to act with a like committee on part of the Senate, to consider of the Probate law.

The following communication from his Excellency, the Governor were taken from the Speaker's table:

EXECUTIVE OFFICE, }
AUSTIN, November 24, 1857. }

Gentlemen of the Senate,

and of the House of Representatives:

I have the honor to transmit herewith for your information the Report of the State Treasurer for the years 1856 and 1857

and also the reports of the State Treasurer as Ex-officio Superintendent of Schools for the years 1856 and 1857.

E. M. PEASE.

On motion of Mr. Wælder the Treasurer's report referred to committee on Finance, and his report as Ex-officio Superintendent of Schools referred to committee on Education.

EXECUTIVE OFFICE,

AUSTIN, November 11, 1857. }

Gentlemen of the Senate,

and of the House of Representatives:

I have the honor to transmit herewith the report of the Commissioner of the General Land Office, concerning the transactions of his office for the past two years, which was received on yesterday.

E. M. PEASE.

On motion of Mr. Wælder, referred to the committee on the Land Office

The hour having arrived, the special orders of the day, viz: a report from the committee on Public Lands on several bills for the relief of Pre-emption settlers taken up.

Mr. Henderson moved to substitute the Senate bill for the House bill.

Mr. Locke chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for executive approval, the following bills:

A bill to legalize Hopkins county Land District, and legalize surveys made therein. And a joint resolution, authorizing the Commissioner of the Court of Claims to employ two additional clerks.

On motion the House adjourned until to-morrow 9 1-2 o'clock A. M. pending the motion of Mr. Henderson of Harris to substitute the Senate bill for the House bill, for the relief of settlers within the Mississippi and Pacific Railroad Reserve.

AUSTIN, NOVEMBER 25th, 1857.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Henderson of Harris, the vote adopting a report from the Committee on Private Land Claims, asking to be discharged from the further consideration of the petition of

s. Morgan, was reconsidered and the petition re-referred to the Committee on Private Land Claims.

PETITIONS.

Mr. Evans of McLennan, presented the petition of 91 citizens of Lampasas County; referred to Judiciary Committee.

Mr. Lesueur presented the petition of sundry citizens of Milam County; referred to Judiciary Committee.

Mr. Henderson of Harris, presented the petition of Thos. P. Acles; referred to Committee on Public Debt.

Mr. Buckley presented the petition of Robt. J. Calder; referred to Public Land Committee.

Mr. Lee presented the petition of Sam. Jordan; referred to Committee on Private Land Claims.

Mr. Norton presented the petition of Joseph Martin and others; referred to Committee on Public Lands.

Mr. Dalrymple presented the petition of sundry citizens of Burnett County, against any change of County Boundary; referred to Committee on Counties and County Boundaries.

Mr. McKinney of Travis, presented the petition of James Rogers; referred to Committee on Public Debt.

REPORTS OF STANDING COMMITTEES.

Mr. Wood, one of the Judiciary Committee, reported asking the reference of a bill to re-organize the 17th Judicial District to the Committee on Judicial Districts; report adopted.

Mr. Lewter, one of the Committee on Claims and Accounts, reported asking to be discharged from the further consideration of a bill for the relief of John Morton, the Committee being of the opinion that said business properly belongs before the Court of Claims; report adopted.

Mr. Gaston, one of the same Committee, reported as follows: The Committee on Claims and Accounts, to which was referred the memorial of the heirs of John Marlin, deceased, have had the same under consideration, and instruct me to report:

That the petitioners present their claims upon the ground that John Marlin and Jarret Meniffee, emigrated to Texas in the year 1834, and settled near the great falls of the Brazos river, at that time the extreme border of the frontier settlements, where they were much exposed to the inroads and depredations of the savages, and underwent many privations and hardships necessarily attendant on a frontier life. While in this condition, in the year 1839, there was a Company of Rangers raised by the then existing Government, under the command of Capt. John Bird, and Lieut. W. G. Evans, 32 in number, who were quartered upon the said John Marlin and Jarret Meniffee, for the term of five months and a half, for

which petitioners charge at the rate of \$20 per month for each man and horse ; your committee deeply sympathize with petitioners for the loss sustained.

But taking into consideration the many advantages they derived from the protection afforded them by the said company being quartered about them, and believing that it would be bad policy for the State to undertake to pay all claims which might be brought up of a similar character, they therefore are of opinion that petitioner's claims should be rejected, and would respectfully beg leave to be discharged from the further consideration of the same ; report received and adopted.

Mr. Shelton made the following report as one of the Committee on Claims and Accounts :

The Committee on Claims and Accounts to whom was referred the petition of F. L. Mudd, asking pay for services rendered the late Republic of Texas, have considered the same ; and are of opinion that the Court of Claims is the proper source to which the petitioner should apply for the relief sought.

The Committee are unwilling to act upon claims over which the Court of Claims has jurisdiction, unless said Court refuses to investigate such claim, which does not appear in the above case.

The petition is herewith returned to the House, and the Committee ask to be discharged from its further consideration ; report adopted.

Mr. Rhodes, one of the Committee on Claims and Accounts, reported as follows :

The Committee on Claims and Accounts to which was referred the petition of Daniel B. Graham for relief, has had the same under consideration, and after duly considering the same, have instructed me to report :

The facts go to show that the said D. B. Graham was a private soldier in the company of Capt. Bartley, in the year 1844, and in the capacity of a Ranger in the service of the Republic of Texas. The facts go farther to show that the said D. B. Graham, empowered one Hardin Hart to draw the money for his services, in the year 1852 or 1853. And upon examining the Auditors' Office to get his claim audited, was informed of the fact, that it had been audited by one Adolphus Sterne. The said Hart, then called upon said Adolphus Sterne, and was informed of the fact that he, Sterne, had left the certificate in Nacogdoches, and promised to send

it to the said Hart upon his return. The said Hart then proceeded to examine and found the certificate in the Treasurer's office, of the State of Texas, purporting to have been signed by said D. B. Graham. He also states that he examined the handwriting and was satisfied that it was not the signature of said D. B. Graham, and that the said claim had been paid to one Richard Parmalee. Your Committee are of the opinion that if the proper steps had been taken, your petitioner could have prevented said money being paid on said fraudulent order.— They are further of opinion that if petitioner had sued the said Richard Parmalee, that the same could have been collected, and the Committee would further state that after considering all the proof and circumstances of the case that your petitioner has no right to claim payment the second time of the State. Your Committee ask to be discharged from a further consideration of the claim; report adopted.

Mr. Price one of the Committee on Claims and Accounts, reported as follows on the petition of Dennis and Richard Mead:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives,

The Committee on Claims and Accounts, to whom was referred the petition of Dennis Meade and Richard Mead, asking for a grant of two leagues and two labors of land, have had the same under consideration, and instruct me to report as follows, to-wit:

The Committee find from the statements of petitioners, that they were domiciliated in the city of Guanajuato in the Republic of Mexico, in the year A. D. 1842, and that during that year various citizens of the late Republic of Texas, comprising the Sante Fe expedition, then prisoners of war en route for the city of Mexico, passed through said city of Guanajuata. The petition further shows that many of said prisoners arrived at said city of Guanajuata, sick and destitute, and that they were kindly cared for and furnished with money, clothing, board, medical attention, &c., &c., by said Dennis Mead and Richard Mead. The whole claim of petitioners seems based upon acts of kindness, humanity and charity extended to said *Sante Fe* prisoners by the Messrs. Mead, while they were citizens of the Republic of Mexico; this, your Committee believe, furnishes no claim against the State, either legal or equitable. But as against the Sante Fe prisoners, who have obtained from the State, pay for the

time of their imprisonment, the claim, in equity and honor, is a good and subsisting one, and calls loudly upon the beneficiaries of the bounty and hospitality of Richard Mead and Dennis Mead, to come to the rescue and pecuniary assistance of their ancient friends and benefactors. Instead, however of responding to this call with prompt and grateful feelings, we find quite a number of those respectable gentlemen joining in a recommendation that the prayer of petitioners be granted by the State. But your Committee deem comment on this feature of the case unnecessary, and therefore instruct me to report back the petition and bill and recommend that no further action be had in the premises; all of which is respectfully submitted.

L. F. PRICE,
one of the Committee on Claims and Accounts; report adopted.

Mr. Bee, Chairman of the Committee on State Affairs, reported recommending the passage of a bill to incorporate Madison Lodge, No. 126 of Masons, without amendment; report received.

Mr. Brown, Chairman of the Committee on Counties and County Boundaries, reported as follows:

The Committee on Counties and County Boundaries have examined a bill to authorize the County Clerk of Smith County to transcribe certain records, and instruct me to report it back without amendment and recommend its passage; report received.

Mr. Brown, Chairman of the Committee on Slaves and Slavery, made the following report:

MR. SPEAKER—The Committee on Slaves and Slavery, to whom was referred the petition of sundry citizens of Ellis County, praying that Jack Tuggle, a free negro man, might be allowed to remain in the State, and enjoy certain civil rights, have considered the same and direct me to report:

That the policy of the State has long been fixed and firmly adhered to, prohibiting free negroes from locating within her limits. The law-makers of Texas, at an early day, acted upon the established fact, that a free negro population is a curse to any people, and wisely adopted stringent regulations to avoid their accumulation in the State. This wise rule was afterwards departed from by special enactments, permitting free persons of African or mixed blood, to remain in Texas, in consideration of meritorious conduct during the revolution. Experience, however, has shown that even these exceptions,

though founded in humanity and generosity, were not wise in perhaps a majority of the cases. In the late bloody disturbances in Orange County, we have the fruits of allowing a congregation of free negroes amongst us. In other isolated cases, negro men emancipated and allowed to remain, from their meritorious conduct while slaves, have become idle, drunken and productive of evil effects among slaves.

In the present case, however good the character of Jack Tuggle, (who comes with highly respectable endorsers,) he was only emancipated in 1850, in Tennessee, and has therefore violated a positive law by locating in the State, and now we are asked to grant him a bonus for committing a wrong.—The Committee hold that sound public policy and the general good of the people of Texas forbid such concession; and that the existing laws on the subject should neither be abrogated nor weakened by special legislation of the kind now asked. They, therefore, unanimously recommend the refusal of the prayer, and ask to be discharged from the further consideration of the subject; report adopted.

BILLS AND RESOLUTIONS.

Mr. Henderson of Harris, introduced a bill to be entitled an act to amend the charter, and for the relief of the Houston and Texas Central Railroad Company; read first and second times, and referred to the Committee on Internal Improvements.

Mr. Carroll introduced a bill creating the 19th Judicial District and defining the time of holding the courts therein; read first and second times and referred to the Committee on Judicial Districts.

Mr. Tait introduced an act to extend to those who served in the Navy, the same bounties of land as allowed to the army; read first and second times and referred to the Committee on State Affairs.

Mr. Locke introduced a bill to provide for the publication of the Journals of the 7th Legislature; read first and second times and referred to the Committee on Printing.

Mr. Cooley introduced a bill to be entitled an act to authorize the sale, settlement and location, of the alternate or State sections of land in Fisher and Miller's Colony; read first and second times and referred to the Committee on Public Lands.

Mr. Locke introduced a bill to provide for the pamphlet laws of the State of Texas; read first and second times, and referred to the Committee on Printing.

Mr. Brown introduced a joint resolution in relation to the im-

portation of African Slaves ; read first and second times, and referred to the Committee on Slaves and Slavery.

Mr. Locke moved to print 500 copies of the resolution ; lost.

A message was received from the Senate announcing to the House that the Senate had passed the following bills originating in the Senate, viz :

A bill to be entitled an act for the relief of Lusiano Navarro.

A bill to be entitled an act for the relief of the Heirs of George Brinlie.

A bill to be entitled an act to create the County of Clay.

A bill to be entitled an act to create the County of Bee, (in honor of Barnard E. Bee,) and attach it to the 14th Judicial District.

A bill to be entitled an act to create the County of Montague, and a bill to create the County of Buchanan.

Also the following bills originating in the House :

A bill to be entitled an act to authorize and require all forced sales of real estate or negroes, made by Executors and Administrators in the County of Travis, to be made on Congress Avenue at the South-East corner of block No. seventy.

And that the Senate refused to appoint a Committee on the part of that body to act with the House Committee on the propriety of amending or altering the Probate Law.

The question pending when the House adjourned yesterday, viz : The motion of Mr. Henderson of Harris, to substitute the Senate bill for a House bill, for the relief of the settlers within the Mississippi and Pacific Railroad Reserve, taken up, and the yeas and nays being called, the motion carried by the following vote :

YEAS—Messrs. Speaker, Aycock, Baldwin, Barnard, Bee, Buckley, Burks, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Craig, Crook, Dennis, Doom, Edwards, Evans of McLennan, Everett, Fisher, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harrison, Hart, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Holland, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Locke, Lloyd, McKenney of Hopkins, Munson, Murrah, Navarro, Powell, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Upshaw, Wælder, Walling, and Ward—64.

NAYS—Messrs. Bishop, Brown, Burnett, Dalrymple, Evans of Austin, Harris of Titus, Haynes of Starr, Lewter, Norton,

Poag, Price, Rainey, Reeves, Rhodes, Tait, Waterhouse, Witt, and Wood—17.

Mr. Rainey offered the following amendment to the bill :

Amend by striking out the first day of October, 1859, and insert the 15th day of February, 1860.

Before the amendment was read aloud by the clerk, (having been received by him) Mr. Henderson of Harris moved the previous question.

Mr. Chilton made the following point of order : That the motion for the previous question did not cut off Mr. Rainey's amendment, it having been handed to the clerk.

The Chair decided that the amendment, not having been read aloud by the clerk, was not in the possession of the House, and was cut off by the motion for the previous question.

The main question was ordered, which being the passage of the bill to a third reading, the same was put and carried.

Mr. Henderson of Harris moved a suspension of the rules in order to put the bill on its third reading and final passage.

Mr. Witt proposed to amend the bill as follows :

Insert, after the word "State," the words "That the person so locating shall pay the settler the value of his improvements; the same to be assessed by two disinterested persons to be chosen by the parties. If the persons so chosen cannot agree, they shall select a third, and their decision shall be final."

On motion of Mr. Henderson of Harris, laid on the table.

Mr. Rainey proposed to amend by striking out the first day of October, 1859, and inserting 15th February, 1860 ; which was, on motion of Mr. Henderson of Harris, laid on the table by the following vote :

YEAS—Messrs. Speaker, Aycock, Baldwin, Barnard, Bee, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dennis, Doom, Edwards, Evans of Austin, Everett, Fisher, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Howerton, Jennings, Johnson, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lloyd, McKinney of Travis, Navarro, Powell, Price, Reeves, Roberts, Rogers, Ross, Runnels, Scott, Shelton, Smith of Fannin, Smith of Orange, Upshaw, Wælder, Walling, and Ward—63.

NAYS—Messrs. Burnett, Chilton, Dalrymple, Evans of McLennan, Harris of Titus, Holland, Joseph, Lewter, Locke,

McKenney of Hopkins, Merriman, Norton, Poag, Rainey, Rhodes, Shannon, Tait, Waterhouse, Witt, and Wood—20.

On motion of Mr. Henderson of Harris, the main question was ordered, which being the final passage of the bill, the yeas and nays were demanded, and bill passed by the following vote:

YEAS—Messrs. Speaker, Aycock, Baldwin, Barnard, Bee, Bishop, Brown, Buckley, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Gaston, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Holland, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Locke, Lloyd, McKenney of Hopkins, McKinney of Travis, Merriman, Munson, Murrah, Navarro, Norton, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling, Ward, Waterhouse, Witt, and Wood—84.

NAYS—Messrs. Burks and Poag—2.

Mr. Cleveland's motion to reconsider the vote rejecting the resolutions relative to the conduct of R. J. Walker, as Governor of Kansas Territory; taken up.

Mr. Wælder moved to postpone the consideration of the matter until the second Monday in January next.

On motion of Mr. Bee, the motion to reconsider was postponed until 11 o'clock, on Friday next.

A message was received from the Senate, announcing the passage of the following bills originating in that body.

A bill for the relief of Mandred Wood or his Assigns. And a bill for the relief of L. S. Hargous, the heirs of H. R. W. Hill, G. B. Lamar, and the widow and children; and, if the widow be dead, the children of Samuel Swartwout.

The following message was received from the Governor:
GENTLEMEN OF THE SENATE,

and House of Representatives :

The melancholy intelligence has just been received in this City of the death of Gen. JAMES HAMILTON, who was lost on the steamship Opelousas, in the Gulf of Mexico, on her passage from New Orleans to Galveston. The deceased was one of the first who raised his voice in our behalf, in the commence-

ment of our Revolutionary struggle, and his services and means were lavishly given to our cause, both before and after he became a citizen of the Republic. His high standing and influence in the world contributed much to the successful issue of our Revolution. Texas claimed him as a citizen, and ranked him as one of her greatest benefactors. She mourns his untimely fate, and will cherish his memory with veneration.

E. M. PEASE.

Mr. Bee rose in his place and said :

Mine is the painful duty of responding to the message which has just been received from the Executive.

The wail of woe comes to us from the ocean's depth, and mourning is over the land. Another of those terrible calamities, which, so often of late, have shocked the sensibilities of the country, has occurred, and, amongst its victims, Texas will hear with sorrow, the name of JAMES HAMILTON.

Gen. HAMILTON'S memory duty compels me to hold sacred. He was my god-father, and I bear his name ; and, when, under the symbol of that holy faith, from which, however widely I may have wandered, I have never forgotten, he stood by my parents as they dedicated me to a better life and a higher hope, he put me under sacred obligations, which I will now fully and in deep sorrow, endeavor to redeem.

From the first dawn of Texas' liberty, Gen. HAMILTON has stood forth, her warm advocate and firm friend. In the Legislature of South Carolina, in 1836, he took issue with Gov. McDuffie, upon the question of sympathizing with struggling Texas, and passed, unanimously, in that body, and over the Executive influence, Resolutions, tendering to us the sympathy of that gallant State, endorsing the propriety of recognizing our independence, and ever advocating annexation. Thus brought prominently before the people of Texas, Gen. HAMILTON was, in 1836, unanimously made a citizen, and offered the command of her armies by the Congress of the Republic ; and I may say, without fear of contradiction, that, from that day to the date of his death, he has maintained that position—in every emergency, in every difference which has arisen ; whether with the enemies of our country, or with the general government, he has ever been found on the side of Texas. But I will not detain the House by a biography of the lamented deceased—this will be done by an abler pen.

It is, in my humble judgment, proper that Texas should

mark, on her records, her sense of this afflicting event, and tender her sympathies to the heart-stricken and disconsolate widow of the deceased, with the prayer that she may be strengthened, in her bereavement, by the assurance of a nation, that he, whom she has lost, has well filled his part, and gone to an honored grave, with a spotless name, lamented, revered and beloved, leaving to his sons the proud record of a well spent life, and to his country a life-long example of devotion to principle and her best interests.

I move the adoption of the following resolutions :

Resolved, That this body has received, with profound sensibility, the communication of the death of Gen. JAMES HAMILTON, of South Carolina. His death is a calamity, not only to the nation and his own State, but, also, to the State of Texas. He was the bold and powerful advocate of Texas in her dark and bloody struggle with the almost imperial power of Mexico. When the heroic spirits of '36 were treated, from high quarters, with opprobrium, and as having forfeited all claims to fraternal regard from the people of the United States, he then, in his place in the Senate of South Carolina, "with thoughts that breathed, and words that burned" with living fire, repelled the imputations on the purity and honor of our motives, and, in the light of eloquence and truth, gave such elevation to our controversy as to challenge the admiration of the world, and to change indifference into friendship and enthusiasm. For his services on that memorable occasion, he was offered by Texas, the command of her army. His genius, his pre-eminent abilities, his high character, and imperishable devotion to the interests of the country, illustrated and adorned the various exalted civil trusts with which he was honored by the Republic as our Minister. He secured a treaty with Great Britain, the most powerful nation on the globe. He also negotiated a treaty with the King of the Netherlands; and performed many other signal services with high honor to himself, and great benefit to the nation which he represented. By special act of the Congress, he was invested with the rights of citizenship, and he ranks very high among the eminent and illustrious of her citizens.

Resolved, 2nd, That this body will manifest its respect for the memory of the deceased, by wearing the usual badge of mourning, and that a copy of these proceedings be transmitted to the family of the deceased.

Resolved, 3d, That this House now adjourn.

Mr. Munson said :

As a Representative from the county in which the lamented Gen. JAMES HAMILTON has, for years, been a partial resident, I am unwilling that this solemn, sad occasion should pass without adding my humble tribute of respect to his honored memory. Little prepared, indeed, are his friends to receive the sad intelligence of his untimely death.

His memory will ever live in his own native State, for, intimately blended with her history his name is written. But to us he was a friend. In our darkest, in our most trying hours, a gallant, noble friend, who never withheld his purse, his eloquence, or his ablest efforts, when the almost hopeless cause of a struggling people invoked them.

May Texas, never, in the hour of her prosperity, forget that generous, gallant spirit, that so cheerfully came to her rescue, when all, with her, was doubt and danger.

I tender, Mr. Speaker, with profound respect, my heartfelt sorrow for the death of this lamented, distinguished man.

Mr. Buckley said :

I feel constrained to rise on this occasion, and offer, together with the gentlemen from Webb and Brazoria, my condolence to the survivors of the family of the lamented HAMILTON.

It was not my fortune to be born in the same Carolina with him, but I was born in the sister State, and my earliest recollections in life are coupled with his name, in connection with his battling for the rights of the southern portion of the Confederacy, for he stood prominently forward on all the great questions which involve those rights, when the South was brought into collision with the North.

The impressions then made upon my mind, in early youth, are inseparably connected with the recollections dearest to my bosom. It fell to my lot, happily for myself, to become personally acquainted with Gen. HAMILTON, years before I emigrated to Texas. And from that time to the period of his last visit to this country, he has been to me a kind friend on all occasions ; one who has imparted to me much instruction ; one who has impressed upon my mind the ideas and notions proper to a man who lives in this country, and is devoted to its institutions. He has been to me a bright example ; one to whom I could look with confidence, as a guide on all subjects involving the principles of States' rights. My heart is too full—my frame too feeble—to say more than repeat, that

I offer my condolence to the family of the deceased, in common with the members of this House.

On motion of Mr. Hart, one thousand copies of the Resolutions, with the remarks of Messrs. Bee, Munson and Buckley attached, were ordered to be printed for the use of the House.

The Resolutions were adopted, and the House adjourned till Friday, 10 o'clock A. M.

AUSTIN, Nov. 27th, 1857.

House met pursuant to adjournment—roll called, quorum present—journal of 25th inst., read and adopted.

On motion of Mr. Wælder, Mr. French, member elect from Bexar, came forward presented his credentials, took the oath of office and his seat.

PETITIONS.

Mr. Witt presented the petition of sundry citizens of Dallas county, praying the passage of a law regulating Weights and Measures; referred to committee on State Affairs.

Mr. Chance presented the petition of John C. McDonald; referred to committee on State Affairs.

Mr. Wælder presented the petition of the citizens of New Braunfels for repeal of the act of incorporation of said city; referred to committee on State Affairs.

Mr. Buckley presented the petition of B. F. Terry; referred to committee on Private Land Claims.

Mr. Johnson presented the petition of sundry citizens of Smith and Cherokee counties, for a new county; referred to committee on Counties and County Boundaries.

Mr. Price presented the petition of the heirs of Geo. Robinson; referred to committee on Claims and Accounts.

Mr. Evans of McLennan presented the petition of sixty citizens of Comanche county, for a new county; referred to committee on County and County Boundaries.

Also, the petition of sixty-one citizens of the town of Waco; referred to committee on State Affairs.

Mr. Burnett presented the petition of sundry citizens of the counties of Houston, Angelina and Cherokee for a new county; referred to committee on Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley chairman of committee on Private Land

Claims, reported as follows : on the bill for the relief of J. B. and D. R. Wortham.

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee find from the evidence before them, that F. M. Woodward was entitled to a headright certificate for one-third league of land, and previous to its issuance sold his right to the same, and regularly transferred said right to J. B. and D. R. Wortham. That said Woodward was also entitled to Bounty land, which was transferred to the same parties, and the transfer for said land was filed in the Adjutant General's office, and consumed when said office was burned.

That said J. B. and D. R. Wortham applied to the Legislature for a certificate as assigns for said headright, and an act was passed 15th February 1854, granting said certificate to Marion Woodward deceased. Under these circumstances your committee are of opinion that the certificate should have been granted to the assignees, therefore report back the accompanying bill and recommend its passage ; report received.

Mr. Wood one of the committee on Private Land Claims, reported unfavorably upon a bill for the relief of John Dillon Jr., he having a remedy at law for his relief ; report received.

Also, the committee on Private Land Claims, have examined the petition of Wm. Defee and from the facts, find that petitioner has a full remedy at law.

To grant the relief would be bad as a precedent and an unauthorized intrenchment upon the power of the Judiciary.—The committee ask to be discharged from further consideration of the matter ; report received.

Mr. Howerton, one of the same committee, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Private Land Claims, have examined the petition of James A. Yeoman and the accompanying evidence, which consists of the certificate and oath of Col. J. Morgan and others, among them Dr. Geo. M. Patrick, and are of opinion that petitioner is entitled to relief. They therefore recommend the passage of the accompanying bill ; report received.

Mr. Munson, one of the committee on Claims and Accounts reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Claims and accounts to whom was re-referred the petition of N. G. Allen, have had the same under careful consideration. The facts as set forth in said petition are these :

That petitioner is 80 years old, that he has been in Texas a long time and was, before our difficulties with Mexico, possessed of ample means, that between the years 1835 and 1843, he furnished supplies of beef to the soldiers of the country, even to his last milk-cow; for all of which he states he has never received compensation. Petitioner also introduces the certificates of a number of honorable and well known gentlemen, who testify fully to his honesty and good standing as a man, and who further state that he would not again ask for relief. In consideration of all these facts and believing that the State in her now prosperous condition, should not forget the destitute patriot who in her time of want gave for a common cause his entire substance, your committee have instructed me to report the accompanying bill and recommend its passage ; report received.

Mr. Murrah chairman of committee on Federal Relations made the following report, on the petition of John G. Todd ; report received and Joint Resoution read first time—rule suspended, read second time, and ordered to be engrossed—rule further suspended read third time and passed.

To the Honorable the Senate and House of

Representatives of the Legislature of Texas.

The petition of Jno. G. Tod a Captain in the late Navy of Texas humbly sheweth : That the amendment to the navy appropriation bill of the late Congress of the United States made certain provision for the surviving officers of the late Texas navy, who were duly commissioned in the service at the time of annexation, on conditions set forth in the aforesaid amendment. And that your petitioner, as one of the surviving officers of the navy at the period of annexation, made application through his Attorney in Washington City, for the amount under the law which your petitioner claimed as due him, upon the certificate of His Excellency Anson Jones Ex-President of the late Republic of Texas, accompanying the same with the great seal of the State; and after more than five months delay, the Hon. I. Toucey, Secretary of the Navy, doubted the legality of your petitioner's commission, and

refused to pay the amount awarded by the Congress to him as an officer of the late Navy of Texas.

Your petitioner was long identified with the naval interest of the late Republic of Texas, and is prepared, from documentary evidence as well as the public records, to show that his services to the navy of Texas, and his position at the time of annexation, fully entitle him to any advantage or merit that may be attached to a surviving officer of the late Navy of Texas.

Your petitioner desires that your Honorable body will investigate and report the facts in the case of your petitioner's services in the Navy, and the legality of his position at the time of annexation, as due to your petitioner for past services, and that his character may be set right before his fellow citizens as a surviving Captain of the Navy of the late Republic of Texas. And your petitioner will ever pray, &c.

JOHN G. TOD,
Captain late Navy of Texas.

COMMITTEE ROOM, }
November 23d, 1857. }

HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Federal Relations have had under consideration the petition of Capt. John G. Tod, and beg leave to submit the following report, viz :

That upon a full examination of the subject, and all the laws, regulations and orders bearing upon the same, as far as the committee were enabled to do so, they have come to the conclusion that great injustice has been done Capt. Tod in refusing to recognize him as an officer of the Texas navy at the time of annexation, and thus excluding him from the benefits of the late act of Congress conferring five years waiting orders pay upon the surviving officers of the navy of the former Republic of Texas. They find the facts to be these :

Capt. Tod entered the service of Texas as early as the spring of 1837, when he drew up a report, at the request of the Secretary of the Navy, establishing a Navy Yard, and in April 1838, was invested with extraordinary powers to examine into and report fully in relation to all matters connected with the naval interest, with authority to send for persons and papers; and on the 26th of May, following, received an

order from President Houston, addressed to the several Heads of Departments, to afford him all the necessary facilities, and access to books and papers, so as to enable him to report to the Executive such facts as were deemed of importance or value in relation to the public expenditures, &c.

June 10th, 1838, he was ordered to the United States by President Houston, on business connected with the navy, with rank and pay as master commandant. Fitted out the Steamer Charleston, at New York, and returned with her to Galveston in March, 1839, where her name and flag were changed, and she was commissioned as the Texas Naval Steamship Zavala. On his return with this steamship as just mentioned, he was made a Lieutenant, without his knowledge or consent, by the then existing Government of Texas, upon the plea that the administration, then in power, refused to recognize the acts of the former one, in giving Capt. Tod an appointment of a higher grade.

He was afterwards, viz: in March, 1839, appointed Naval Agent to the United States, and July 5th, 1839, Commander.

Under his appointment as Naval Agent, he built and fitted out, in provisions, munitions of war, &c., complete, one Sloop of war, two Brigs, and three Schooners for the navy, and returned with them to Texas. This agency terminated 10th June, 1840.

June 26th, 1840, Capt. Tod was placed in command of the naval station, Galveston, and August 6th of the same year, his position was declared to be a separate command from afloat; and all officers on the station, vessels in ordinary, receiving ships, &c., placed under his orders.

November 18th, 1840, he was appointed acting Secretary of the Navy, by President Lamar; and in his official capacity suggested the blending of the war and navy departments and the reduction of the personnel of the navy to one Captain, one Commander, and eight Lieutenants, &c., which was adopted by Congress. Under the operation of this law; placing the navy in ordinary, and reducing the number of officers to such standard as the pecuniary resources of the country at that day would justify, Capt. Tod lost his rank and station, being retained or appointed Commander for the time being, and the Senior Commander of the service reduced to Senior Lieutenant which positions they respectively held for some months, when Capt. Tod was displaced on the ground that the Senior Lieutenant had preferable claims, because of having been an older

Commander in the service. If Capt. Tod had not been governed by those pure and patriotic motives which his course so plainly indicates, he might easily have retained two Captains instead of one in the law drawn up and suggested by him, reducing the navy as aforesaid.

It will be seen, therefore, that Capt. Tod held position in the navy, or was in some way connected with it, almost from the first existence of the Republic. That his public services gave satisfaction to the country during this long period, is fully attested by the report of the Secretary of the Navy, complimenting him highly for his valuable services in superintending the building of the naval vessels for Texas, as well as by a report of a Joint Committee of the two Houses of Congress in 1842, and a Joint Resolution of the same session. The committee, represented by J. W. Byrne, chairman on the part of Senate, and John B. Jones on the part of the House, say :

“That in all the transactions of the petitioner, in his official relations to the government, his conduct has been marked by a paramount regard for the public good, and his duties have been performed with a fidelity and ability worthy of the trust reposed in him, and in a manner that entitles him to the confidence and approbation of his country; and in consideration of the faithful services, prudent and discreet conduct, the firm and temperate discharge of his duties to the Republic, your committee recommend the adoption of the following resolution :

“JOINT RESOLUTION.

“PASSING A VOTE OF THANKS TO CAPTAIN JOHN G. TOD, LATE COMMANDER OF THE NAVAL STATION, AT GALVESTON.

“SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Capt. John G. Tod, formerly Naval Agent to the United States, and late Commander of the naval station at Galveston, is entitled to the thanks of this body for the faithful and important services he has rendered the country.

“SEC. 2: That the President be requested to order a copy of the foregoing report and resolution to be read at the Navy Yard, and on board of each of the public vessels in commission, in the presence of the crew and officers, and that the same be entered in their log books.”

When annexation was about being consummated, and it was known our naval vessels were to be transferred to that government to which we were yielding our Nationality and our Flag,

it was supposed as a matter of course, that the officers would go with the ships, and retain positions in the United States Navy, corresponding with those previously held by them in our own. President Jones, therefore, on the 8th of July, 1845, commissioned Captain Tod as a Captain in the navy, to give him the same rights and privileges other officers might enjoy under the change of government, and to which he was as clearly entitled as any of them. He did this because Capt. Tod had long been connected with the navy, as a faithful public servant, and only yielded his position at a time when it was deemed necessary to curtail the expenses of the government by reducing the navy, which he had himself suggested while acting Secretary of the Navy, and when it would have been an easy matter, as before suggested, to have retained a place for himself.

We now understand that the Navy Department, at Washington, decide against Capt. Tod's claim on the hypothesis that the President of Texas had no power to appoint a Captain in the navy, and if he had such power, that the commission is dated *after* instead of *before* annexation. We think the Department in error on both these points. The second one is wholly untenable. We have never known the position taken by any one before, that annexation was consummated on the 4th of July, 1845. This doctrine cannot be sustained in any court of justice. President Polk's message to Congress in 1845, shows that he viewed the Texas Government in existence until December, 1845, and the government of the United States never assumed the right to collect duties through our custom-houses until after that date. We think, however, that annexation was not fully consummated until the Republic of Texas yielded its power and authority to the State of Texas, which was on the 19th of February, 1846. The committee cannot see the necessity, and do not suppose any exists, for arguing this question further, for surely no one here will contend, that our nationality was swept from us by the act of the Convention on the 4th of July, 1845, more than five months before we were admitted by the act of Congress as a State of the Union, and more than seven months before President Jones yielded his mantle of authority to the newly inaugurated State. They can only express their surprise that such an unreasonable doctrine should have occupied the attention of the Navy Department for a moment.

In relation to the other point we remark, that the President

undoubtedly had the right to appoint or re-instate Capt. Tod at the time he did it. He only placed him in a rank he had formerly held and drawn pay for, and which we think the General Government fully recognized and acknowledged by allowing him three months pay after annexation for taking care of the naval vessels until they were formally delivered over. We think, too, that the President of Texas, acting under the responsibility of his official oath, and a proper sense of public duty, ought to have been considered the proper judge of his right to appoint, and that he would hardly have exercised a power in conflict with his oath of office.

The committee cannot believe that the Navy Department or Executive of the United States presume that a Republic, situated as Texas was during her existence, should display the system and organization in either branch of her national defence, to be found in their own.

But even if the committee deem one or both of the above objections well founded, they still hold to the opinion, that the Federal Government committed itself to respect Captain Tod's rank as a Captain in the Texas Navy by allowing him three months pay as such, and ought not now to repudiate their own action and thus do him a great wrong.

In refering to the various laws under the late Republic establishing the personel of the navy, we find it difficult to arrive at a legal opinion upon rank or position of officers. We believe, from all the facts in the case, that the law abolishing or disbanding the navy in 1842 and '43 under President Houston's administration, was more faithfully carried into effect by the Executive than any other act of the Congress of the Republic. It is true the next Congress repealed the law, for it was found that no one had bid for the vessels at the offered sale of the navy. The personel of the navy that had been disbanded, were not reinstated, though we find that President Houston instructed our Ministers, Messrs Henderson and Vanzandt, under the treaty negotiations for annexation, to secure the rank of petitioner as a Captain in the navy of the United States, in connection with other officers of the Texas navy at that time residing in the Republic.

The committee in conclusion, recommend the passage of the accompanying preamble and joint resolution.

P. MURRAH,
Chairman of the committee on Federal Relations.

Mr. Aycock chairman of committee on Public Lands reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Lands, to whom was referred a bill to legalize and make valid all field notes of pre-emption surveys, which have not been returned to the General Land Office, as required by the 2d section of an act approved August 15th, 1856, have had the same under consideration and instruct me to report. That the pre-emption law of February 14th 1854, simply required the pre-emptionist to return his field notes to the General Land Office together with the proof of his settlement &c. The act of August 15th, 1856, required all pre-emptors to return the field notes of their surveys to the General Land Office in twelve months after the passage of the act. Your committee are advised that the pre-emptors who settled under the act of February 13th, 1854, were surprised when they learned that the act of 1856, had passed, and that owing to the tardiness with which the act of the 6th Legislature were distributed throughout the State, they did not learn the fact of the change alluded to until the lapse of near twelve months, and many of them probably not at all. It could not be expected that they should comply with the terms of a law of which they were ignorant without any fault of their own.—The bill reported merely restores the provisions of the act of 1854, which were amply sufficient for all purposes of policy, so as to enable persons who have complied with it to obtain their patents, and which they would otherwise lose. Wherefore your committee are of opinion that it should be passed.

Also reported as follows.

The committee on Public Lands, to whom were referred a memorial of four citizens of Lampasas county, eighty-four citizens of Sabine county, and a petition of the citizens of Shelby county, have examined the same, and instruct me to report that the object, therein contemplated have been considered in reports heretofore made by your committee upon petitions and bills referred to them. Therefore they have instructed me to report them back to the House, and recommend that no further action be had in regard to the same; report received.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed, a bill to authorize the Commis-

sioner of the General Land Office, to issue a duplicate certificate of Levi Kron, on certain conditions ; report accepted.

On motion of Mr. Lee, a Senate bill for the relief of Eli Hart, was taken up read third time and passed.

Mr. Chilton, by leave, introduced a bill making an appropriation for the per diem pay and milage of the members and the per diem pay of the officers of the 7th Legislature ; read first and second times and referred to committee on Finance.

Mr. Howerton, by leave, introduced a bill to amend the 2d. section of an act entitled an act to amend the 2d section of an act entitled an act to amend the 2d and 7th, sections of an act to organize the Supreme Court of the State of Texas, approved November 30th 1850, and approved February 13th, 1854 ; read 1st time.

Mr. Hart, by leave, introduced a bill, granting settlers on vacant Public Domain, pre-emption privileges ; read first and second times and referred to committee on Public Lands.

On motion of Mr. Wælder, the following Senate bills were taken from the Speakers table, read first and second times and referred as marked to appropriate committees.

A bill for the relief of Luciano Navarro ; referred to committee on Claims and Accounts.

A bill for the relief of the heirs of Geo. Brinlee ; referred to committee on Private Land Claims.

A bill to create the county of Clay ; referred to committee on Counties and County Boundaries.

A bill to create the county of Buchanan ; referred to committee on Counties and County Boundaries.

A bill to create the county of Montague ; referred to committee on Counties and County Boundaries.

A bill for the relief of Eli H. Page ; referred to committee on Private Land Claims.

A bill for the relief of Matthais Ward ; referred to committee on Private Land Claims.

A bill for the relief of Mandred Wood or his assignees ; referred to committee on Private Land Claims.

A bill to amend an act for the relief of A. G. Wavell, passed August 27th 1856 ; referred to committee on Public Lands.

A bill for the relief of L. S. Hargous, the heirs of H. R. W. Hill, G. B. Lamar, and the widow and children, and if the widow be dead the children of Saml. Swartwont ; referred to committee on Claims and Accounts.

A bill to repeal a portion of the 10th section of the act of February 10th 1852, entitled an act relating to lands in Peter's Colony and to prohibit patenting upon certificates issued under provisions of said section of said act ; referred to committee on Public Lands.

A bill to change the time of holding the terms of the District court in the 11th Judicial District; referred to committee on Judicial Districts.

A bill to incorporate the Casino Association of San Antonio ; referred to committee on State Affairs.

A bill making an appropriation to pay for the State copies of the 16th and 17th volumes Texas Report ; referred to committee on State Affairs.

A bill to change, and provide for a uniform time for terminating, the Fiscal year of the several offices of the State Government ; referred to committee on Finance.

Mr. Latham, by leave, introduced a Joint Resolution instructing our Senators and requesting our Representatives, in the Congress of the United States, to urge upon our Government the necessity of negotiating a treaty of extradition between the United States of America and the Government of Mexico ; read first and second times and referred to the committee on Federal Relations.

ORDERS OF THE DAY:

* The hour having arrived, the special order of the day viz :

Mr. Cleveland's motion to reconsider the vote rejecting the resolutions offered by Mr. Evans of McLennan, condemning the course of Robert J. Walker, Governor of Kansas Territory.— The motion pending on adjournment was Mr. Wælder's motion to postpone the motion to reconsider until the 2nd Monday in January.

On motion of Mr. Jennings, the motion to postpone was laid on the table.

The question then recurring on the reconsideration of the Resolutions, the same was put and the vote rejecting the resolutions was reconsidered by the the following vote :

YEAS.—Messrs Speaker, Aycock, Baldwin, Bee, Buckley, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Craig, Crook, Dennis, Doom; Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Gaston, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Harrison, Henderson of Harris. Holland, Jennings, Johnson, Kirk, Kittrell, Lacy, Lee, Lewter, Lloyd, Merriman, Munson,

Murrah, Navarro, Poag, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Ward and Waterhouse—62.

NAYS.—Messrs Barnard, Bishop, Brown, Cooley, Dalrymple, Hardin, Hart, Haynes of Star, Hicks, Higgins, Howerton, Joseph, Kinney, Latham, Lesueur, Locke, McKinney of Hopkins, McKenney, of Travis, Norton, Upshaw, Wælder, Walling, Witt and Wood—24.

Mr. Jennings moved to refer the resolution to the committee on Federal Relations, whereupon the yeas and nays were demanded and the reference was made by the following vote:

YEAS.—Messrs Speaker, Baldwin, Bee, Bishop, Brown, Buckley, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Gaston, Hall, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Holland, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Lacy, Lee, Lesueur, Lewter, Locke, Lloyd, Merriman, Mills, Murrah, Navarro, Poag, Powell, Rainey, Reeves, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling, Ward, Witt and Wood—73.

NAYS.—Messrs Hart, Latham, McKenney of Hopkins, McKinney of Travis, Norton, Price, Rhodes, and Waterhouse—8.

On motion of Mr. Kittrell, Mr. Fisher was excused from attendance on the House for 12 days.

On motion of Mr. Cleveland, the House adjourned until 9 o'clock, A. M., to-morrow.

AUSTIN, November 28th-1857.

House met pursuant to adjournment, roll called, quorum present, journal of yesterday read and adopted.

On motion of Mr. McKenny, of Hopkins, leave of absence was granted to Mr. Henderson of Harris for twelve days.

On motion of Mr. Rogers, Mr. Roberts was added to committee on County Boundaries.

PETITIONS.

Mr. Buckley presented the petition of the heirs of R. E.

Handy and William Lusk; referred to committee on Claims and Accounts.

Mr. Navarro presented the petition of W. R. Henry, and R. J. Jones; referred to committee on Claims and Accounts.

Mr. Dalrymple presented the petition of sundry citizens of Burnet county; referred to committee on County Boundaries.

Mr. Higgins presented the petition of J. W. and W. Standiter; referred to committee on Private Land Claims.

Mr. Kirk presented the petition of sundry citizens of Nacogdoches county; referred to Judiciary committee.

Mr. Chance presented the petition of sundry citizens of Robertson county; referred to Judiciary committee.

Mr. Barnard presented the petition of the citizens of Helena in Karnes county; referred to committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Wælder, one of the committee on State Affairs, reported as follows:

The committee on State Affairs, to whom were referred joint resolution to provide for the recording of the Journals of the Senate and House of Representatives, instruct me to report the accompanying substitute and recommend its passage.

In asking this recommendation, the committee do not deem it necessary to state the reason for their action.

They believe that the journals of the Senate and of this House, should be kept in such manner as to permit their convenient use for reference by those connected with the government and the citizens.

This cannot now be done. The journals of the former Legislatures, are to be found only on loose sheets, which are liable to be lost or destroyed.

The expense of recording them in the mode proposed, will be trifling in comparison to the advantages to be gained.

Your committee believe, that this measure will without argument, commend itself to the favorable consideration of the House. Report received.

Mr. Johnson, chairman of committee on Printing, reported as follows:

The committee on Printing, to which was referred a bill to provide for the publication of the journals of the 7th Legislature, have considered the same and instruct me to report unfavorably upon the same. In the opinion of the committee, the publication of so many copies of the journals of this Legislature would not only be a useless expenditure of money, but

of no practical benefit to those officers of the several counties of the State for whom the said publication is proposed to be made. The committee, therefore, ask to be discharged from the further consideration of said bill: Report adopted.

Mr. Johnson also reported a substitute for a bill to provide for the publication of the Pamphlet Laws of the State of Texas, and recommended its passage; report received.

Mr. Brown, chairman of committee on County Boundaries, reported, recommending the passage of a Senate bill to create the county of Montague; report received.

Also recommended the passage of a Senate bill to create the county of Clay; report received.

Also reported as follows:

The committee on County Boundaries have had under consideration a Senate bill creating the county of Buchanan, and recommend its passage with the accompanying amendments. In this connexion it is proper to say, that the committee, though proposing no change in the names of the proposed counties of Clay and Buchanan, names bestowed in honor of two of the eminent statesmen of our country, (the one dead the other now President,) think it meet and appropriate, as a general rule, to name our counties after our principal streams, eminent and patriotic deceased persons of our own State, and the various Indian tribes, or other interesting objects connected with our past history, or topographical formations. By this means we pay durable compliments to the memory of the meritorious dead, and generally give names that, being unknown in the other States, are not only distinctive, but in many cases beautiful and euphonious. Amend 1st. In 5th line, 4th section, strike out the word "person" and insert "white male citizen over 21 years of age." 2d. amendment: Add to 5th section the following:

"The County Court, when organized, shall have power; and it is hereby made its duty, in case the county site shall become the property of the county, whether by purchase, donation, or location on public domain, to lay off the same in town lots, and after setting apart grounds for public and county purposes, schools and churches, to sell and convey the remainder for the use and benefit of the county, at such times and on such terms as to said Court shall seem best for the interest of the county." Report received.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive

approval, a bill supplemental to an act to authorize the location, settlement and sale of the Mississippi and Pacific Railroad Reserve; and an act to authorize and require all forced sales of real estates and negroes, and sales of real estate and negroes made by executors and administrators, in the county of Travis, to be made on Congress Avenue, at the S. E. corner of Block No. 70; and a bill for the relief of the legal representatives of Eli Hart. Report accepted.

Mr. Buckley, chairman of committee on Judicial Districts, reported, recommending the passage of a Senate bill to change the time of holding the terms of the District Courts in the 11th Judicial District; report received.

On motion of Mr. Buckley, rule suspended, report taken up, adopted, and bill passed to a third reading; rule further suspended, read third time and passed.

Mr. Chilton, chairman of committee on Finance, reported, recommending the passage of a bill making an appropriation for the per diem pay of the members and officers and the mileage of the members of the seventh Legislature; report received.

On motion of Mr. Chilton, the rule was suspended and the report taken up and adopted and bill ordered to be engrossed; rule further suspended, bill read third time and passed.

Mr. Hart, one of the joint committee on Stock and Stock Raising, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The joint select committee of both branches of the Legislature, upon Stock and Stock Raising, to whom was referred divers bills, resolutions and memorials in relation to the prevention from running at large certain persons and animals, have had the same under consideration, and after mature consideration have come to the conclusion, that perhaps it would be inexpedient to prevent from running at large any portion of our fellow citizens, however aged they may be. It certainly cannot be considered that they are vicious—their peaceable and docile disposition forbids that idea. And however much this committee may deprecate their course in not complying with one of the first injunctions of Holy Writ, “multiply and replenish the earth,” it would be much more charitable to impute this to their misfortune, rather than any wilful intention to disobey this sacred injunction. We consider this class of individuals more to be pitied than blamed, and entirely a blameless class of persons, and incapable of doing any harm

to any one. We therefore ask to be discharged from the further consideration of this part of the subject.

There has been submitted to the consideration of this committee another branch of this subject, of much more importance than the last, that is, of an increase of the moral and physical condition of the human family at the expense of their members, by depriving a portion of the more vicious and deformed of the power of procreation. This has been brought to our consideration by a memorial referred to the committee by a certain philosopher and philanthropist of this State, and having great regard for the profound wisdom of this individual, has led us to a very elaborate and critical investigation. This committee is aware that philosophers and philanthropists, in all ages and countries, and the wisdom of their teachings are not sufficiently investigated and approved for the welfare of the human family; but under our careful investigation we have been unable to come to any conclusion that by legislating upon this grave subject—grave on account of its victims; yet more grave on the account of attempting to reduce the procreation of the human family to the favored few—to reduce this common privilege to persons of certain physical proportions and intellectual and moral endowments, would certainly be an advance upon this or any other age; but as any rule, however stringent, might be abused, that we might adopt upon this subject, and some of the lords of creation might suffer injustice, we cannot sanction its engraftment upon the laws of this State. We, therefore, with a good deal of pleasure in escaping the penalties of this law, ask to be relieved from the further consideration of the subject.

Your committee have further investigated the subject of the running at large of certain animals; such as Stud Horses, Mules and Jacks, and they are decidedly of the opinion that this is a subject that requires legislative remedy; that animals of this character are of great injury to the raising of useful and fine stock; that in place of our horses and mules improving in size and form, they will retrograde and become of less value, if this is allowed to remain as it is. The committee has, therefore, instructed me to furnish the following bill and recommend its passage.

Report received and bill read first time.

Mr. Norton, one of the committee on Public Buildings, made the following report :

COMMITTEE ROOM, }
 Austin, Nov. 28th, 1857. }

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Buildings, to whom was referred resolution making enquiry as to whether it is just and proper that the suits now pending against the commissioners and superintendents of the State Capitol, for not discharging their duties, should be discontinued, have unanimously instructed me to report, that they have given as thorough an investigation to the subject as the time and the circumstances would admit of; that they have examined the building itself and the proof in regard to its construction; taken the opinion of the Attorney General in regard to said suit; and also enquired into the nature of the defence of the commissioners, and endeavored to get at the real merits of the case as nearly as possible. The result of said investigation is, that they are satisfied that said building is not in all respects finished in a complete and workman-like manner; that the original plan of the building has been deviated from; that there are discrepancies between the work of the mason and the carpenter that cannot be obviated now, but should have been remedied at the time the work was going on; that the defects and errors should have been looked to at an earlier day; that after said work has been received and taken off the hands of the superintendents and commissioners, by the Governor, Treasurer and Comptroller, and the money for said work paid, it would appear a hardship to the commissioners and superintendents to go back of the acceptance of said work by the highest authorities of the State, as is sought to be done by the suits at present pending in the District Court. Upon this branch of the subject, however, the committee would remark that there exists in their own minds, and in the mind of the Attorney General, as to them expressed, little doubt of the ability to recover under the law; but the amount of said recovery depending upon the evidence that might be brought to bear upon the trial, and the sympathy that exists as a general thing with the defendants, where the State is prosecuting, rendering it probable that but a small amount would be recovered; and that the recovery under the circumstances, whatever it might be, as against the commissioners, would be made off of parties who have been by the action of the supervisory committee, at least partially acquitted. As to the suit against the superintendent, we are free to

say that it does not stand entirely upon the same footing. He certainly did not in all respects discharge his duty. But the work having been received from him by the State officials as aforesaid, leaves it somewhat questionable as to a recovery under the circumstances. In this, as in the other cases, the amount of the recovery would depend upon the testimony that might be adduced, as well by the State as by the defendant, on examination of blame and culpability in the premises. Avoiding the "glorious uncertainties of the law" altogether by a discontinuance of a suit where little could be gained, although the State has been injured by neglect and malfeasance of those to whom it entrusted its business, we feel inclined to recommend a discontinuance of this suit also.

At the same time, we cannot let this opportunity pass of expressing our condemnation of that course of policy which has to a considerable extent been pursued in this State, of selecting men for high and responsible positions who have not intrinsic merit, from other considerations than those of fitness for the stations they are called to occupy. The only standard by which to select men for office is that of qualification for the business which they are designed to transact. And at this time, especially, when it is contemplated to erect a State University, it is proper that the committee should, in the consideration of this subject, impress upon the minds of all, the dear bought lesson of our State that no person should be selected to important trusts who is not in every respect capacitated for the duties that may be devolved upon them.

The committee have extended their report more than they would otherwise have done, as well to give the members of the present session of the Legislature the reasons influencing them in coming to the conclusion they have, as to make the people who may read the report of the committee of the last session of the Legislature, and the testimony published therewith in the journals of the adjourned session, pages 116 to 195 inclusive, to know why we do so.

The commissioners elected had no knowledge, practical or theoretical, of the kind of business entrusted to them by the Legislature which commissioned them to act, and by reason of their lacking all architectural and mechanical skill, all adaptedness for that peculiar trust, the State has been damaged to a considerable extent. But being fully satisfied in our own minds that, under all the circumstances, no particular good

would result from the prosecuting of the suits aforesaid, the committee have unanimously agreed to report the accompanying joint resolution, and recommend its passage.

Report received and resolution read first time.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills originating in the Senate, viz :

“A bill to be entitled “an act to prolong the time of holding the regular quarterly terms of the County Courts for the transaction of County business.”

“A bill to be entitled “an act for the relief of actual settlers who settled within the Mississippi and Pacific Railroad Reservation, prior to the 21st day of December, 1853, and failed to have their lands surveyed within eight months, and field notes returned to the General Land Office within twelve months from their settlement.” And

“A bill to be entitled “an act to define the times of holding the sessions of the Supreme Court.”

On motion of Mr. Brown, the rule was suspended, and the bill defining the times of holding the sessions of the Supreme Court was taken up, read first and second times, and referred to the committee on the Judiciary.

By leave, Mr. Wood introduced the petition of sundry citizens of Leon county, asking a change in the law for selecting petty Jurors in criminal cases ; referred to the committee on the Judiciary.

On motion of Mr. Howerton, the rule was suspended, and “an act to amend the second section of an act entitled “an act to amend the second section of an act entitled “an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas approved November 30th, 1850,” approved February 13th,” was taken up, read second time and ordered to be engrossed ; rule suspended, read third time and passed.

Mr. Doom introduced “a bill for the relief of William Parmer or his assigns ;” read first and second times, and referred to the committee on Private Land Claims.

Mr. Brown introduced “a bill to be entitled “an act to prevent conflict of residence and jurisdiction ;” read first and second times and referred to the committee on County Boundaries.

Mr. Hall introduced a “Joint resolution requesting our Sen-

ators and Representatives in Congress to use their efforts to procure the establishment of a District Court of the United States at El Paso in the State of Texas;" read first and second times, and referred to the committee on Federal Relations.

Mr. Cooley introduced a bill to be entitled "an act to authorize a sale of the vacant public domain of the State;" read first and second times, and referred to the committee on Public Lands.

Mr. Bishop introduced "a bill to be entitled an act supplementary to an act for the support of schools, approved 29th of August, 1856;" read first and second times, and referred to the committee on Education.

Mr. Tait introduced a bill entitled "an act providing for the incorporation of Railroad Companies;" read first and second times, and referred to the committee on Internal Improvements.

A message was received from the Senate, announcing to the House the passage of a Joint resolution, originating in the House, to recognize Captain John G. Todd as an officer of the Navy of the late Republic of Texas.

And a bill, originating in the Senate, for the relief of Helena Eggeling. And that the Senate had passed a substitute for a House bill to permanently locate the seat of Justice of Angelina county.

On motion of Mr. Bee, a bill making an appropriation for the improvement of Aransas Bay; taken up and made the special order for Tuesday next, 11 o'clock A. M.

The hour having arrived, the special order of the day, viz: The majority report of the committee on Education, recommending the passage of a resolution to establish a State University, taken up.

Mr. Ward moved to postpone the consideration of the matter until the second Monday in December next.

Mr. Rainey moved to adjourn until 9 1-2 o'clock, Monday, A. M.; lost.

Mr. Chilton moved to substitute the minority report for the majority report.

On motion of Mr. Poag, the House adjourned until 10 o'clock Monday, A. M., pending Mr. Ward's motion to postpone until second Monday in December next.

AUSTIN, Monday, November 30, 1857.

House met pursuant to adjournment—roll called, quorum present—Journal of Saturday 28th inst., read and adopted.

PETITIONS.

Mr. Shelton presented the memorial of the "President and directors of the Memphis, El Paso and Pacific Railroad;" read and referred to the committee on Internal Improvements.

Mr. Powell presented the "petition of divers citizens of Montgomery county, asking that the clerks and sheriffs should receive pay in certain cases;" read and referred to the committee on the Judiciary.

Mr. Mills presented the "petition of sundry citizens of Gonzales county, praying that fees be allowed to clerks and sheriffs in cases unsuccessfully prosecuted by the State;" referred to the committee on the Judiciary.

Mr. Burnett presented the "petition of Samuel D. Sullivan;" referred to the committee on Claims and Accounts.

Mr. Roberts presented the "petition of Manilla Newman;" referred to the committee on the Judiciary.

Mr. Chance presented the "petition of sundry citizens of Burleson county to cut off a portion of the west end of said county;" read and referred to the committee on County Boundaries.

Mr. Clow, by leave, presented "A bill to incorporate the Mexican Gulf, Texas Central and Missouri Railroad Company;" referred to the committee on Internal Improvements.

Mr. Buckley presented the "petition of Planters of Fort Bend county, praying the passage of a law upon the subject of Tare upon cotton, &c.;" referred to the committee on the Judiciary.

REPORTS OF STANDING COMMITTEES.

Mr. Mills, Chairman of the committee on Claims and Accounts, made the following Report, which was, on motion of Mr. Hart, adopted.

COMMITTEE ROOM.
November 26, 1857.

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Claims and Accounts, to whom was referred the petition of James W. Parker, a citizen of Houston county, have had the same under consideration, and before the undersigned express the result to which the committee

has arrived, it is proper to say that the petitioner alleges twenty-five years' residence on the frontier of Texas; that he was a bearer of despatches, in 1837, to Red river, from Ex-President Houston, and required a guard to protect him from the Indians while carrying such Express; was taken sick, and lost his horse, of the value of eighty dollars, and that he never received any pay for said service, which he estimates at one hundred and fifty dollars; that, in the Fall of 1836, he was bearer of an Express from General Houston to Coffee's Trading House, which he thinks entitles him to one hundred and fifty dollars.

That he paid the sum of three thousand and three hundred dollars to the Indians for the release of Rachel Plummer, a captive, (who, the committee is informed, was petitioner's daughter,) and has paid one hundred and fifty dollars to L. D. Nixon for carrying Rachel Plummer to her home; that he paid for the release of other Texan captives (not named) one thousand and two hundred dollars; that he furnished Captain Coleman's Company with provisions to the value of one hundred and twenty-five dollars; that he was broken up at Fort Parker, in 1836, by the Indians, and is now old and infirm; has exhausted all his estate in paying for captives and their expenses in getting home. And he further states, he has never received any pay for these services, rendered to the parties herein named. The facts in the petition are not sworn to by the memorialist; and the amount claimed from the Legislature has caused the committee to scan closely the other evidence of facts submitted, which the petitioner has omitted to swear to, himself.

The affidavit of John Robbins (which is not signed by the affiant) is not at all satisfactory or conclusive. It states that Robbins saw the petitioner pay D. F. Smith eight hundred dollars, and to — Monson eight hundred and fifty dollars for Indian goods, and that Smith brought in four American prisoners from the Indians. When or where this occurred, and who were the American captives, are not stated. Nor does it appear that the goods were exchanged for the captives; nor does it appear by Robbins, whether the horse, for which petitioner claims pay, as having been lost in his efforts to reclaim the captives, was really lost in such service or not. The seventy-five dollar horse, which Robbins says was lost by the petitioner, is stated, not of his own knowledge, but on the statement of others. Nor does the affidavit of J. Lafferty for-

tify any part of the petitioner's claim. The most that can be said of that is, that traders, with whom the petitioner was engaged, brought in, from 1836 to 1849, twelve American captives from the Indians. Mr. Lafferty further states, that J. W. Parker paid three thousand and three hundred dollars for them, but to whom is not stated. The impression left on the mind of the committee is, that the said sum was paid to the traders, and not to their captors. The committee cannot approbate such a speculation on the unfortunate captives. Again, the affidavit is not made before any officer known to law, which this committee can notice. The affidavit of D. F. Smith does not shake the committee in their convictions. It is true, that Mr. Smith states he and ———Monson sold petitioner one thousand six hundred and fifty dollars' worth of Indian goods, and was employed by Parker to exchange goods for captives, but it is nowhere stated that those goods, or any part of them, were exchanged for the captives named in the affidavit. Nor is the affidavit sworn to before any officer known to law, which we can notice. John Lankford's affidavit affords the committee but little light on the subject of petitioner's claim. He states the loss of three horses by Parker, in the enterprise, for which Parker does not claim pay.

The acknowledgment of the receipt of three thousand three hundred dollars by the Indian traders for eleven Texan captives, as stated in the affidavits of John Jacobs and R. L. Hemphill, is very far from satisfactory evidence in cases like this.

The committee have given full weight to the affidavit of Joseph W. Harris,—that it is too general and indefinite, and unqualified in its assertions, to sustain a claim of this magnitude.

The committee have thought it prudent to comment thus on the evidence offered, not with a view of discrediting it, but to show its infirmity.

We are strongly fortified in the conclusion we have come to by the fact, that this claim has heretofore been rejected by the Legislature—a circumstance that weakens our confidence in its justice.

There may be cases of individual hardship in rejecting claims of this order, and this may be one. There are thousands of others, with more or less merit; and if the Public Treasury is opened to any but those provided for by law, there is no security against the insolvency of the State. The com-

mittee have instructed me to report against this claim, ask to be discharged from its further consideration.

A. G. MILLS,
Chairman.

Mr. Kirk, one of the committee on Private Land Claims, made the following report:

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the petition of B. F. Terry, asking for land to which the petitioner alleges he is entitled as a settler in Texas previously to the declaration of independence, and also as a volunteer in the army of the late Republic of Texas, have fully examined the testimony presented by petitioner in his case. which elucidated the following facts:

Benjamin F. Terry was a permanent settler and resident in Texas prior to the declaration of independence, and, he then being a single man, was entitled, under the laws of the Republic, to one-third of a league of land as a head-right; he also served for three months in the army, and is entitled, therefor, to three hundred and twenty acres of land. Your committee are satisfied, from the evidence, that petitioner's claim is a highly meritorious one, and that he has not heretofore received unanimously the lands to which he is entitled. They have, therefore, instructed me to report the following bill for his relief, and recommend its passage. All of which is respectfully submitted. Report received, and bill read first time.

Mr. Buckley, Chairman of the committee on Private Land Claims, made the following report:

COMMITTEE ROOM. }
November 30, 1857. }

TO HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom were referred the several bills from the Senate for the relief of Mathias Ward, the heirs of George Brinlee, and Eli H. Page, have had the same under consideration, and after hearing the evidence in support of the said several bills, find them possessed respectively of merit, and instruct me unanimously to report them back to the House and recommend their passage. Report received.

Mr. Buckley also made the following report:

COMMITTEE ROOM, }
November 30, 1857. }

To Hon. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the petition of Jose Maria Gonzales, have had the same under consideration, and instruct me to report, that, from the evidence adduced before them, it is conclusively shown that the petitioner was born, and has continuously resided in Texas to the present time; that, during the Texas Revolution, he was a friend to the cause of liberty; did not leave Texas to avoid a participation in the struggle for independence; did not give aid or comfort to the enemy, and that he has never received the quantum of land to which he, as a married man at the date of the declaration of Independence, was entitled. The applicant, on many occasions, has rendered important services to the Republic of Texas. In 1839, he commanded a company of troops on an expedition from San Antonio against the Comanche Indians, and in an engagement with them, received a wound which has disabled him for life; and in the Spring of 1842, he sent a letter to San Antonio, giving intelligence of the approach of General Vasquez, for which, after the capture of that city by said General, he was arrested and immured in a dungeon in Monterey for eighteen months. In view of all these facts, your committee regard the claim of the petitioner as one of more than ordinary merit; therefore, unanimously recommend the passage of the accompanying bill for his relief. Report received, and bill read first time.

Mr. Poag, one of the committee on Public Debt, made the following report, which was adopted.

COMMITTEE ROOM, }
November 26, 1857. }

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Public Debt, to whom was referred the petition of Thomas P. Ayles and others, respectfully report:

That they have had the same under consideration, and find that John F. Ayles, deceased, (in whose right petitioners claim relief,) in his life-time, in the year A. D. 1836, sold to the late Republic of Texas, through its Secretary of the Treasury, Bailey Hardeman, a certain steamboat, called the "Cayuga," for the sum of five thousand dollars, with interest

at ten per centum per annum until the said sum should be paid. That on the twenty-second of April, 1836, the said Secretary of the Treasury executed a bill of exchange to the said Ayles for the said sum of five thousand dollars, and for interest at the rate above specified, which was addressed to Colonel Robert Triplett, the accredited and acting agent of the Republic at New Orleans, Louisiana.

That in 1854, said claim was presented to the Auditorial Board of the State of Texas, and a certificate demanded for the said sum of five thousand dollars, and interest thereon up to 1850, at ten per centum per annum, which amounted to the sum of twelve thousand two hundred and twenty-two dollars; that said Board refused said application, but granted a certificate for the sum of five thousand dollars, only refusing to allow the interest claimed.

Now your committee deem it unnecessary to enter into a discussion of the abstract justice of the decision of said Board in this behalf. But believing that similar action was had by said Board upon hundreds of other claims, of a similar character, and that such policy was, by succeeding Legislatures, if not expressly adopted, at least fully recognized and acted upon, they beg leave to report the same back to the House, and recommend the rejection of said claim. All of which is respectfully submitted.

Mr. Munson, one of the committee on State Affairs, reported as follows:

The committee on State Affairs, to whom was referred the memorial of the Governor, Executive, national officers, members of the Senate and House of Representatives of the General Council of the Choctaw nation, and other citizens thereof, complaining that all along the south bank of Red river, at intervals, are found groceries of the lowest order, kept by the most abandoned men and women, who vend and barter to the Indians alcoholic liquors; in consequence of which, confusion, strife and bloodshed, are of almost daily occurrence, have given the same careful consideration, and instruct me to report the accompanying bill and recommend its passage.

Report received, and bill read first time.

Mr. Brown, Chairman of committee on Counties and County Boundaries, reported as follows:

The committee on Counties and County Boundaries, to whom was referred the petition of the citizens of the town of Hamilton, in Burnet county, praying that the name of said

town be changed to that of Burnet, have investigated the facts, and unanimously approve of the object, as it is one step towards remedying the existing confusion in the names of some of our counties and towns. It happens, in this case, that the post-office at Hamilton has always been called Burnet, and hence the greater necessity for the change. The committee recommend the passage of the accompanying bill.

Report received, and bill read first time.

Mr. Bishop, one of the committee on Counties and County Boundaries, reported, recommending the passage of a bill to prevent conflict of residence and jurisdiction; report received.

Mr. Latham, Chairman of a Select committee, reported as follows:

The Special committee, to whom was referred the petition of Eli Kirk, have had the same under consideration, and instruct me to report: That, after a careful consideration of the account current and vouchers of Mr. Kirk, we find that, with the exception of one over-charge, of the sum of four hundred and seventy dollars and thirty cents difference between the wholesale and retail prices for the purchase of lamps, the State of Texas was indebted to him, Kirk, on the twenty-seventh day of August, 1853, the sum of three thousand seven hundred and eighty-two dollars and sixty-one cents, for value acknowledged to have been received. Add to the above amount the interest of four years and three months—one thousand four hundred and sixty-six dollars and forty-eight cents—making the sum total five thousand two hundred and forty-nine dollars and nine cents, which is considered the just due of Mr. Kirk.

The committee have instructed me to recommend the passage of the accompanying bill. Report received, and bill read first time.

Mr. Kittrell introduced a bill to aid chartered colleges in successful operation within the State; read first and second times, and referred to the committee on Education.

Mr. Edwards introduced a bill for the relief of the Sabine, Galveston Bay Railroad and Lumber Company; read first and second times, and referred to the committee on Internal Improvements.

Mr. Hardin, Chairman of the committee on the Land Office, made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on the Land Office, to whom was referred the report of the Commissioner of that office, for the two years ending October thirty-first, 1857, have had the same under consideration.

The committee find much contained in the report to interest those to whom is entrusted the guardianship of our public domain, and many important suggestions of the Commissioner relative to our land system and the affairs of his office ; but, as the report will be printed, and a large number distributed among the members of the House, the committee deem it unnecessary to recite, in detail, all the statistics given and subjects referred to, and will consider only such matters as, in their opinion, call for Legislative action.

Among the several suggestions of the Commissioner is the following :

“The surveys of the asylum lands were received at too late a day to undergo any examination before making this report. I am, therefore, unable to express an opinion as to their correctness of the manner in which the work has been done. I would, however, suggest the propriety, hereafter, of having all surveys made by the regular District or County Surveyor of the District or County in which the land is situated, or by his duly appointed deputies, and the field notes recorded in his office. The reason for this is obvious : the residents of the County are most interested in knowing the situation and locality of surveys in their own neighborhood. They ought, therefore, to have convenient access to the field notes, which can be best obtained by having the surveys recorded in the surveyor's office. The outside lines of the blocks of surveys made for the asylums, have been recorded in the surveyors offices, but the field notes of the subdivision have not been.”

This your committee believe to be an important recommendation, and meets with their hearty approval, from the fact that it creates the confusion named, and is at variance with the usual mode of making surveys and returning field notes to the General Land Office, and is an infringement upon the rights of County and District surveyors. From these and other considerations, the committee would respectfully recommend, that, should there be large grants of land made during the present session, for any charitable or educational purposes, that there be a clause inserted in the act making such grants,

fixing the price to be paid for the surveying, and allowing only the surveyor or his duly authorized deputies of the County or District in which the lands are situated to make the surveys and the field notes of such surveys, to be recorded in their respective Counties or Districts.

Another recommendation of the Commissioner meets the approval of the committee. He says:

“The amount of money received at this Department, much of which is constantly on deposit, has become of so much importance as to occupy the entire attention of the receiving clerk. It is impossible for the Commissioner to superintend the details, yet he is alone responsible for the safe keeping of the funds. I would recommend that said officer be required to give bond and security for the faithful discharge of his duties; and, as the labor and responsibility of the office is much greater than that of the ordinary clerkships, and requires the services of a gentleman of greater experience, he should be put on a footing with Chiefs of Bureaus in point of salary.”

For the reasons given by the Commissioner for creating this Bureau in his office, the measure commends itself to the favorable consideration of the Legislature, without further argument; and so fully convinced are the committee of its necessity, that they have instructed me to report, herewith, a bill for that purpose, and recommend its speedy passage. The Commissioner recommends that certain appropriations be made, which are, in the opinion of the committee, necessary, but we ask that the Finance committee, it being more appropriate, be authorized to take into consideration this part of the report, and inquire into the necessity of making the appropriations asked for. Your committee, in conclusion, from a sense of justice to the Commissioner and his obliging corps of appointees, feel called upon to testify to the fidelity with which the business of the General Land Office has been discharged for the past two years. The business of the Office has been continually increasing, whilst the force of the Office remains the same. This has had a tendency to retard the patenting of claims, but, notwithstanding which, there is a large increase on the number of patents made for the past two years over the years 1854 and 1855.

Report received, and bill read first time.

Mr. Witt offered the following resolution:

Resolved, That the reporter, W. F. Weeks, be allowed

Fridays and Saturdays of each week, for the purpose of bringing up his reports.; adopted.

Mr. Brown introduced a bill to provide a mode for changing and fixing the names of certain towns in Texas; read first and second times, and referred to a Select committee, consisting of Messrs. Hicks, Smith of Orange, Lesueur, Chance, Ross, McKenney of Hopkins, Shannon, Rainey, Jennings, Norton, Collier and Lewter.

Mr. Dalrymple introduced a bill to amend an act to organize Justices' Courts, and to define the powers and jurisdiction of the same; read first and second times, and referred to the committee on the Judiciary.

Also, a bill to amend an act to regulate proceedings in the District Courts, passed May 13th, 1846; read first and second times, and referred to the committee on the Judiciary.

Mr. Collier offered the following resolution;

Resolved, That no member of this House shall receive pay for time he is absent, with or without leave, except he be sick; on motion of Mr. Edwards, laid on the table.

Mr. Locke offered the following resolution:

Resolved, That the Speaker appoint a committee of three, whose business it shall be to consider whether there can be a bill passed, sufficiently guarding the interest of the State, which will authorize parties, wishing to procure land scrip from the General Land Office, to pay the necessary amount of money over to the County Treasurer of their respective counties, or other county officers, and report as soon as practicable; adopted.

Mr. Holland offered the following resolution:

Resolved, That the committee on Education inquire into the expediency of granting to each county in the State, now or hereafter to be created, one league or more of land in addition to the amount already given for educational purposes, and that they report by bill or otherwise; adopted.

Mr. Lee introduced a bill to regulate the making of surveys on the Public domain; read first and second times, and referred to the committee on Public Lands.

Mr. Bishop introduced a bill for the relief of persons therein named: read first and second times, and referred to the committee on Public Lands.

Mr. Evans of McLennan introduced a bill to regulate the salaries of District Attorneys; read first and second times and referred to the Judiciary committee.

Mr. Latham offered the following resolution :

Resolved, That the committee on Stock and Stock Raising be instructed to inquire into the expediency of reporting a bill repealing all laws in relation to mustang chases ; adopted.

ORDERS OF THE DAY.

MR. BROWN IN THE CHAIR.

Question pending when the House adjourned on Saturday last, viz : Mr. Ward's motion to postpone a resolution reported by the committee on Education, for the establishment of a State University until the second Monday in December next, was put and carried.

On motion of Mr. Hardeman, a report from the committee on Internal Improvements, recommending the passage of a substitute for a bill for the relief of the Colorado Valley Railroad Company, taken up and substitute adopted, and bill ordered to be engrossed ; rule suspended, bill read third time and passed unanimously.

A bill, with a favorable report thereon from the committee on State Affairs, to provide for a Geological and Mineralogical survey of the State, taken up, and on motion of Mr. Jennings, made the special order for Monday next, seventh December.

A message was received from His Excellency, the Governor.

The hour having arrived, the special order, viz : Resolution to appoint a committee to visit the Penitentiary, taken up.

Mr. Taylor proposed to insert "elect" instead of "appoint."

Resolution as amended adopted.

A report from the committee on State Affairs, recommending the passage of a joint Resolution for the erection of a statue of General Thomas J. Rusk, taken up, and joint resolution read second time and ordered to be engrossed.

A message was received from the Senate, through their assistant Secretary, Richard T. Brownrigg, informing the House of the passage of the following bills, originating in that Body.

A bill to extend the time of locating and returning to the General Land Office certificate No. seventy, issued to the Buffalo Bayou, Brazos and Colorado Valley Railway Company, and other certificates.

A bill for the relief of Andrew J. Coupland.

And a bill for the relief of James Starritt.

A report from the committee on Private Land Claims, recommending the passage of a bill for the relief of Lazaro Garza, taken up.

Mr. Jennings moved to recommit the bill and report to the committee on Private Land Claims, with instructions to state in their report a sufficiency of the facts upon which their bill is based, to enable the House to perceive,

1st, Whether or not the Court of Claims has jurisdiction of the claim ;

2nd, Why the party asking relief has not obtained it before ;

3rd, What the merits of the said claim are.

Laid on the table by the following vote :

YEAS—Messrs. Bee, Buckley, Burnett, Chance, Chilton, Clow, Collier, Cooley, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Gaston, Hall, Hardeman, Hardin, Harris of Titus, Hart, Haynes of Starr, Hicks, Higgins, Howerton, Joseph, Kirk, Lee, Lesueur, McKenney of Hopkins, McKinney of Travis, Merriman, Navarro, Norton, Price, Reeves, Rhodes, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Wælder, Walling, Witt, and Wood—47.

NAYS—Messrs. Speaker, Aycock, Baldwin, Barnard, Bishop, Brown, Burks, Carroll, Cleveland, Craig, Everett, French, Harris of Guadalupe, Harrison, Haynes of Washington, Holland, Jennings, Johnson, Kittrell, Lacy, Lewter, Locke, Lloyd, Mills, Munson, Murrah, Poag, Rainey, Roberts, Ross, Runnels, Upshaw, and Waterhouse—33.

Mr. Howerton moved the engrossment of the bill ; whereupon the yeas and nays were called, and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Aycock, Baldwin, Brown, Buckley, Burnett, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, French, Gaston, Hall, Hardeman, Hardin, Hart, Haynes of Starr, Higgins, Howerton, Kinney, Kirk, Kittrell, Lee, McKenney of Hopkins, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Price, Rhodes, Ross, Scott, Shelton, Smith of Fannin, Smith of Orange, Tait, Wælder, Walling, and Wood—49.

NAYS—Messrs. Speaker, Burks, Craig, Everett, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Washington, Holland, Jennings, Johnson, Lacy, Lewter, Locke, Lloyd, Murrah, Norton, Runnels, and Waterhouse—19.

Mr. Locke, Chairman of the committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for

Executive approval, a Joint Resolution to recognize the rank of Captain John G. Todd, of the Navy of the late Republic of Texas, and instructing our Senators and Representatives in Congress to use their influence to procure the passage of a law, incorporating him in the United States Navy, with the rank he held at the time of annexation ; report accepted.

Mr. Rainey introduced a bill for the relief of settlers upon Eleven League Claims ; read first and second times, and referred to the committee on Public Lands.

And a bill limiting the location of Land Certificates ; read first and second times, and referred to the committee on Public Lands.

The following communication from the Governor was taken from the Speaker's table ; read and referred to a Select committee.

EXECUTIVE OFFICE, }
AUSTIN, 11th Nov. 1857. }

Gentlemen of the Senate

and House of Representatives:

In the month of September last, authentic information was received at the Executive Office, that a train of carts transporting merchandize from the coast to the city of San Antonio, were attacked while peaceably passing along the public highway, a short distance above the town of Helena, in Karnes county, by a body of mounted men, disguised and armed, who fired upon those engaged in driving the carts, and killed one and severely wounded three others.

Information was also received, at the same time, of an attack made in Goliad county, about the close of July last, upon another party transporting merchandize along the same road, while they were encamped at night, in which one of the wagoners was severely and two others slightly wounded.

The person who was severely wounded in Goliad county was a native of the United States; all the others wounded in both attacks, and the one killed, were citizens of Mexican origin.

The communication of these facts was accompanied by assurances that combinations of men had been formed, extending through several counties, who openly threatened to continue such attacks upon citizens of Mexican origin, so long as they should continue to transport merchandize along that road.

Immediately upon the receipt of this information, procla-

mations were issued, offering a reward of five hundred dollars for the arrest and delivery to the sheriff of Karnes county of those who had committed the above-named offence in that county, and also calling upon the peace officers to be vigilant in arresting and bringing the offenders to justice, and in preventing a repetition of such offences.

A few days afterwards I repaired to San Antonio, to obtain a better knowledge of the facts in relation to these occurrences, and the extent of the alleged combinations; and also to ascertain whether any measures had been adopted to secure the arrest of the offenders, or to prevent such occurrences for the future. While there, conferences were had with a large number of the citizens of Bexar and the adjacent counties, in regard to these attacks, and the State of feeling that had led to them.

The result of these conferences satisfied me that no measures had been, or would probably be taken, either to arrest the offenders, or to prevent similar attacks; that combinations of the kind above referred to did actually exist, which had made repeated assaults upon the persons and property of citizens of Mexican origin traveling on that road; that a strong feeling of hostility prevailed in many of the surrounding counties against all citizens of Mexican origin, and that there was imminent danger of retaliatory attacks from them, which, if once commenced, must inevitably lead to a war of races. Under these circumstances, I felt that it was my duty to take prompt measures to preserve the peace until time could be given for the excitement caused by these circumstances to cool down, and until you could have an opportunity to enact such laws as would prevent similar outrages. I therefore called out a company of militia, consisting of seventy-eight men, officers and privates, and stationed them in different divisions along that road, with orders to give protection to all trains of merchandize passing up or down, and to aid the civil authorities in preserving the peace, if called on for that purpose.

It would be useless to repeat the causes assigned by these parties as an excuse for these assaults, because in an organized community, having a regular system of laws and courts for their administration, there never can be any justification for murder, or for combinations to trespass upon the persons and property of any class of citizens.

We have a large population of Mexican origin in our western counties, many of whom are highly educated and have

rendered important services to the country in our days of trial; doubtless there are some bad men to be found in this class of our citizens, but the large mass of them are as orderly and law-abiding as any in the State; they submit cheerfully to all the duties required of them, and are entitled to the protection of the laws in any lawful employment they may choose to pursue.

Such occurrences as these are calculated to injure our reputation abroad, and to destroy all confidence in the ability of our State to give protection to life and property. If they are allowed to be repeated with impunity, they will, ultimately, suspend all intercourse between this country and Mexico, and will certainly lead to acts of retaliation upon citizens of the United States, in that country. Indeed, they have already attracted the notice of the Government of Mexico, and have been made the subject of a remonstrance through her Minister at Washington City, which has been communicated to this office.

Our present laws are fully adequate for the protection of persons and property, and for the prevention of such occurrences, in all cases where the officers and citizens of a county are active in the enforcement of them; but where they are indifferent and make no effort to enforce them, they are powerless.

Some remedy must be devised for this state of things, and the only one that occurs to me, is to punish all who engage in such combinations, or aid or assist in such assaults, by imprisonment in the State Penitentiary, and to give jurisdiction to the Grand Juries, officers and courts of any county in the vicinity, where complaint may be made, and where an impartial trial can be had, to arrest, indict and try the parties charged.

The company of militia, before mentioned, were enrolled for sixty days, unless sooner discharged; their time will expire about the first of December next. They volunteered with the expectation that they would receive the same pay and emoluments as mounted troops in the service of the United States. A contract was made with a merchant of San Antonio, to furnish them with subsistence and forage on the faith of the State.

This matter is now submitted to your consideration, with a desire that you will give it a careful investigation, and with a full confidence that you will make provision for the payment of the company and the contractor who has supplied them.

E. M. PEASE

Mr. Bee moved to adjourn until 10 o'clock, A. M., to-morrow. Whereupon the yeas and nays were demanded, and stood—YEAS, 34; NAYS, 36. So the House refused to adjourn till 10 o'clock.

On motion, the House adjourned until 9 1-2 o'clock A. M., to-morrow.

AUSTIN, December 1st, 1857.

House met pursuant to adjournment—roll called, quorum present—journals of yesterday read and adopted.

PETITIONS.

Mr. Waelder presented the memorial of the citizens of New Braunfels, remonstrating against the repeal of their City Charter; referred to committee on State Affairs.

Mr McKinney, of Travis, presented the petition of Henry O. Hedgcoxe, referred to committee on Private Land Claims.

And the petition of A. N. Hopkins; referred to committee on Claims and Accounts.

Mr. Aycock presented the petition of the heirs of Y. G. Dolahite; referred to committee on Private Land Claims.

Mr. Lee presented the following petitions:

Petition of the heirs of Mary Prather; referred to committee on Private Land Claims.

Petition of the heirs of A. B. Selliman; referred to committee on Private Land Claims.

Petition of Henry Vincent; referred to committee on Private Land Claims.

Petition of John S. Sanders and Eliza Sanders; referred to committee on Private Land Claims.

Mr. McKinney, of Travis, presented the petition of Austin College; referred to committee on Public Lands.

The Speaker announced Messrs. Mills, Cleveland and Locke, a committee on Mr. Locke's resolution, relative to land scrip.

REPORTS OF STANDING COMMITTEES.

Mr. Ward, one of the Judiciary committee, reported, recommending the passage of a Senate bill, to remove the disabilities of minority from James N. Scott, Wm. P. Wyatt, Wm. B. Fowler and George B. McKinstry, and declare them severally of lawful age; report received.

Mr. Waelder, chairman of committee on Indian Affairs, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Indian Affairs, to whom was referred a joint resolution, requiring the Governor to send a detachment of troops to certain counties named in the resolution, for their protection against Indian depredations, respectfully report that the request contained in the resolution has already been attended to by the Governor; wherefore, the committee ask to be discharged from any further consideration of the subject. Report received.

Mr. Ross, one of the committee on State Affairs, reported a substitute for a bill to authorize Thomas Wright to erect a mill and construct a dam across the west fork of Trinity river, in Dallas county; report received.

Mr. Bee, chairman of committee on State Affairs, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on State Affairs have examined a joint resolution, "providing for the purchase of Pressler's Map of Texas," and find that the Map proposed to be purchased has been compiled by Mr. Pressler, draughtsman in the General Land Office, with great care and accuracy, and is endorsed by the Commissioner as worthy of being used by the State. The price of the Map will not exceed five dollars per copy. The resolution proposes to furnish a copy to each county of the State, and will be of great convenience. They, therefore, recommend the passage of the resolution. Report received.

Also reported, recommending the passage of a Senate bill, making an appropriation to pay for the State copies of the 16th and 17th volumes of Texas Reports; report received.

On motion of Mr. Brown, the rule was suspended, and report taken up and bill passed to a third reading; rule further suspended, read third time and passed.

Mr. Bee also reported, recommending the passage of a bill to incorporate the "Tellico Manufacturing Company; report received.

Mr. Johnson, one of committee on Engrossed Bills, reported correctly engrossed a bill making an appropriation for the per diem pay of members and officers and the mileage of the members of the seventh Legislature, and a bill to amend the second section of an act entitled an act to amend the second and

seventh sections of an act to organize the Supreme Court of the State, approved November 30th, 1850; approved February 13th, 1854. Report accepted.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval, a bill to change the time of holding the District Courts in the 11th Judicial District; report accepted.

Mr. Lee, chairman of the joint select committee on the report of the Commissioner of the Court of Claims, submitted the following report:

Hon. H. R. RUNNELS,

President of the Senate,

And Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The joint select committee, to whom was referred the report of the Commissioner of Claims, have had under consideration certain donation and bounty land certificates, which have not received the approval of the Commissioner. It seems that since the burning of the Adjutant General's office there cannot be had sufficient evidence, under the existing laws, to warrant that officer in approving them. Your committee have carefully scrutinized each claim, and having given them a thorough investigation, are satisfied that they are genuine. We are, therefore, instructed to report the accompanying bill and recommend its passage.

R. H. GUINN,

Chairman on part of Senate.

JOSEPH LEE,

Chairman of House Committee.

Report received, and bill read first time.

Mr. Wælder, chairman of a joint select committee on the part of the House, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The select committee, acting in conjunction with the committee on State Affairs of the Senate, to whom was referred the special message of the Governor, in relation to assaults made upon certain persons engaged in the transportation of goods, between the Gulf coast and San Antonio, have had the subject under consideration, and deem it proper at this time to report the accompanying bill and joint resolutions, and respectfully recommend their early passage.

Report received, and bill and joint resolutions read first time.

Mr. Barnard made the following minority report on the same subject:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The undersigned, one of the joint committee to whom was referred the special message of his Excellency, the Governor of the State, relative to the difficulties that have occurred with the Mexican carts, dissenting from the majority of said committee, respectfully begs leave to offer the following as a minority report:

That the persons who complain of being aggrieved have failed to show that they have in any one instance made application to the proper and legal officers for the issuance or enforcement of any judicial process, whereby the offenders could be brought to justice according to the laws of the land; that our present laws are fully adequate for the protection of persons and property; that their execution has not been obstructed forcibly or otherwise, and that no judicial or executive officer, when specially called upon, has failed or refused to perform his duty. It is considered that the enactment of any such *extraordinary* law as reported by the majority, is unjust, unwise and impolitic, and so nearly resembling in principle one of those tyrannical measures complained of in a certain document bearing date 4th July, 1776; that it should never be resorted to until every other method had been fairly tried and found to be ineffectual. And for the same reasons the calling out of a military force was unnecessary, and has proved to be wholly useless for the purposes alleged.

In accordance with which views, the said minority recommends that the whole matter be indefinitely postponed.

JOSEPH H. BARNARD.

Mr. Wælder moved to suspend the rule, to put the bill and joint resolutions reported by the majority committee on a second reading; lost.

Mr. Murrah, by leave, introduced a bill to be entitled an act supplemental to and amendatory of an act entitled an act to regulate railroad companies, approved 7th February, 1853; read first and second times, and referred to the committee on Internal Improvements.

Mr. Dalrymple, by leave, introduced a bill to regulate pro-

ceedings in the District Courts, read first and second times, and referred to the committee on the Judiciary.

Also, a bill to authorize the redemption of property in certain cases, read first and second times and referred to committee on the Judiciary.

Mr. Burnett, by leave, presented the memorial of Lazarus Price, referred to committee on Claims and Accounts.

ORDERS OF THE DAY.

The hour having arrived, the special order of the day was taken up, viz:

"A bill supplemental to an act to provide for the investment of the Special School Fund in the bonds of railroad companies incorporated by the State, approved August 13th, 1856." Read second time.

Mr. Poag offered the following amendment, to come in at the end of section 3:

"Provided that such sum or sums of money as shall be paid out of the treasury under the provisions of this act, shall be paid out of that portion of said fund that has been heretofore, by the act to which this is a supplement, set apart and appropriated to works of internal improvements west of Trinity river." Adopted.

Mr. Bee proposed to amend as follows:

After 4th section—"Provided the security contemplated in this act shall be deemed by the State Engineer, or other proper officer, upon examination of said ship channel, amply sufficient to secure the State in double the amount of the said loan of forty-two thousand dollars; but should the said Engineer, or other proper officer, deem the security insufficient to secure the State in double the amount of the contemplated loan, then he shall require of the said Watrous, Howard and Kinney, additional, undoubted, real estate security, until in his judgment property in double the amount of said loan has been pledged to the State, for the payment of the said loan, at the time fixed by this act." Adopted.

Mr. Hart moved to amend as follows:

Amend by inserting, "that a canal from the South Sulphur to connect with the waters of the Cow Leach fork of Sabine river, be entitled to the same benefit of a loan of six thousand dollars per mile, for every mile completed, and that said canal, with the bonds of William Crigg, Stephen D. Barker,

and John Houskins, of the county of Hunt, be made and executed to the State, to secure its payment."

On motion of Mr. Reeves, laid on the table.

The question then recurring on the engrossment of the bill, the yeas and nays were demanded, and the House refused to engross the bill by the following vote:

YEAS.—Messrs. Bee, Buckley, Chilton, Cleveland, Clow, Cooley, Evans of Austin, Evans of McLennan, Edwards, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Hicks, Howerton, Jennings, Joseph, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Munson, Norton, Poag, Powell, Price, Rainey, Reeves, Smith of Orange, Tait, Upshaw, Wælder, Walling and Waterhouse—37.

NAYS.—Messrs. Speaker, Aycock, Baldwin, Burks, Chance, Collier, Crook, Dalrymple, Dennis, Doom, Everett, Gaston, Hardin, Harris of Titus, Harrison, Hart, Hunt, Haynes of Washington, Henderson of Cass, Higgins, Holland, Johnson, Kirk, Lacy, Lesueur, Lewter, Locke, Lloyd, Mills, Murrah, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Ward, Witt and Wood—41.

Mr. Dennis moved to reconsider the vote refusing to engross the bill.

On motion of Mr. Bee, the motion to reconsider was postponed until 11 A. M., to-morrow.

On motion, the House adjourned until 10 o'clock, A. M., to-morrow.

AUSTIN, DECEMBER 2d, 1857.

House met pursuant to adjournment—roll called quorum present—journal of yesterday read and adopted.

On motion of Mr. Howerton, the Assistant Sergeant-at-arms, R. R. Robertson, was excused from attendance on the House, on account of indisposition.

PETITIONS.

Mr. Hicks presented the petition of sundry citizens of Jasper county; referred to Judiciary committee.

Mr. Lee presented the petition of B. H. H. Butts; referred to committee on Private Land Claims.

Mr. Clow presented the petition of Hugh W. Haws; referred to committee on Claims and Accounts.

A message was received from the Senate announcing that the Senate had passed :

A bill for the relief of W. H. Ray.

A bill to legalize the location of the county site of Live Oak county. And,

A bill to provide for a Geological and Agricultural survey of the State. Also,

A bill originating in the House, to pay for printing the Proclamation of the Governor.

REPORTS OF STANDING COMMITTEES.

Mr. Jennings, chairman of the Judiciary committee reported as follows :

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on the Judiciary to whom was referred the Senate bill, to define the time of holding the Sessions of the Supreme Court, have had the same under consideration, and a majority of the committee instruct me to report the accompanying substitute for the 1st section of the bill, and recommend the passage of the bill as amended ; report received.

On motion of Mr. Jennings, the rule was suspended and the report and bill taken up—report adopted and bill passed to a third reading—rule further suspended read third time and passed.

On motion of Mr. Waelder, the majority and minority reports with accompanying resolutions and bill, relative to the "Cart War," were taken up and referred to Judiciary committee.

Mr. Edwards, chairman of committee on Military Affairs, reported asking the re-reference of a bill to provide for the payment of three companies of Minute men, commanded by Capt. John W. Sansom, John D. Davenport and R. W. Black, to the committee on Finance ; report adopted.

Mr. Hicks, one of the committee on Slaves and Slavery, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Slaves and Slavery, to whom was referred the petition of James Sorley and others, citizens of the City of Galveston, praying for the passage of a law, permitting the the Masters of Vessels entering the ports of Texas to bring

with them "*Free Negroes*," in the capacity of sailors, have bestowed upon the same a careful consideration, and instruct me to report:

That they believe it would be detrimental to the interest of those owning slaves at the points indicated to allow free Negroes to mingle with them, as it would have a tendency to render the slave less subservient to the master and the property in them less secure. The committee are also of opinion that it is sounder policy and more to the interest of the State at large, to establish and finally adhere to the doctrine to exclude the free negro from its length and breadth, whatever their character or capacity in which they may seek to come amongst us. The committee are therefore unanimous in the conclusion, that the further consideration of the said petition be indefinitely postponed; adopted.

Mr. Rainey, chairman of the committee on Internal Improvements reported recommending the rejection of a resolution referred to said committee, to inquire into the expediency of requiring the Directors of all Railroad companies to gazette their proceedings in some regularly published newspaper in this State.

The question upon the adoption of the report was put and report adopted by 46 yeas to 29 nays.

Mr. Kittrell, chairman of the committee on Public Debt reported as follows:

The committee on Public Debt to whom was referred the petition of James Rogers, asking for the payment of a certain sum of money which he alleges to be due him on account of the lands on which the State Capitol is located have examined the same and find the facts to be these:

The Commissioners appointed to examine and condemn certain lands, on which to locate the Seat of Government, condemned and valued at \$3 per acre the tract on which is now situated the city of Austin, which said tract your petitioner alleges, belonged to him. It seems that he was paid for the same in promissory notes of the Government. It further appears that he and several other parties claiming the same land were all paid for their interest in said land in said promissory notes, which were duly presented at the Auditorial Board audited and paid, and their releases in full filed for the same.

Your petitioner alleges that the promissory notes were worth at the time only 25 cents in the dollar and that he sustained a loss of \$2,75 per acre on his land and asks that he be remu-

nerated by the payment to him of the sum of \$2,645 which was the difference between the market and par value of the promissory notes at the time he received them from the Treasury.

Your committee have instructed me to say that the fact of said petitioner having received his pay and receipted in full for the same was evidence that at the time it was satisfactory to him, and that the State was released thereby from all legal obligation for the same. We are further of the opinion that to allow this or any similar claim would open the door for a sure and speedy drain of our Treasury, and would unsettle a wise policy, which justice, prudence and economy alike dictate should be adopted.

They, therefore, have instructed me to report the bill and petition back and recommend their rejection; report adopted.

Mr. Buckley, chairman of committee on Private Land Claims reported as follows:

The committee on Private Land Claims to which was referred a Senate bill for the relief of Mandred Wood or his assigns, have considered the same and report:

That from the evidence brought before them, said Wood was entitled to, and received from the Board of Land Commissioners of Harris county, by his assign, a certificate for one-third of a league of land. That the clerk of the Board of Commissioners appointed to investigate the records of the several Boards of Land Commissioners east of the Brazos river for Harris county made a mistake in reporting said Wood's certificate in this. Said certificate was recommended as genuine and legal, but was reported to the General Land Office for only one-fourth league. Your committee recommend the passage of the bill without amendment; report received.

Also the committee on Private Land Claims, have considered a bill for the relief of Wm. Palmer or his assigns and report:

That on the 8th day of November 1839, the Board of Land Commissioners of Sabine county issued to Wm. Palmer a conditional certificate for 640 acres of land as a headright; and on the 1st day of April 1844, the Board of Land Commissioners of Jasper county, issued to said Wm. Palmer, an unconditional certificate for a like quantity, but no report was made by the clerk of the county court of said county of Jasper of the action of the Land Commissioners in granting said unconditional certificate. That when the necessity of such a report became known to the owner of said certificate in order to

enable him to procure a patent for the land located by virtue thereof, it was and is impossible for him to obtain it. All the records of the county court, including those pertaining to their action as a board of Land Commissioners were destroyed by fire in the year 1849, in consequence of which the applicant is without legal or equitable remedy. They, therefore, recommend the passage of the bill; report received.

Mr. Howerton of the same committee, reported as follows:

The committee on Private Land Claims examined the petition of Frederick Good, and instruct me to report: That they find from the proof that the commissioner of Claims has approved of the certificates mentioned in the petition and issued to petitioner's assignor. The relief sought by petitioner is, that the Legislature shall exercise Judicial powers, and decide upon the validity of his assignments; or in other words to decide a matter between him and his assignor *exparte*. That the relief asked for may be obtained in the courts, in the State upon the same proof that this Committee under any circumstances would require to make a favorable report, were they disposed to entertain the petitioner's application. This, they are not disposed to do, and believe it is an unwise policy for the Legislative authority of the State to grant relief when the Judicial is open and fully competent to do so. They, therefore, report the said petition back and recommend that no further action be taken thereon. And ask to be discharged from its further consideration; report received and adopted.

Also, the committee on Private Land Claims, have examined the petition of Jas. W. and Wm. Standefer and report:— That they find on a thorough examination of said petition and the accompanying proof. That if petitioners ever rendered any services as set forth in their petition, it was long prior to the Texas Revolution and Independence; and the committee are therefore of opinion, that petitioners are not entitled to the relief sought.

They, therefore, report the petition back to the House, and ask to be discharged from its further consideration: report adopted.

Mr. Brown, one of the committee on Counties and County Boundaries, reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Counties and County Boundaries, to

whom the same was referred, have had the same under consideration, a bill from the Senate, to create the county of Bee, and instruct me to report:

That on examination, it was found the boundaries of the proposed county were not only ill-shaped, but such as to interfere with existing counties and county seats, and hence were objected to by the Representatives from those counties. After mature investigation, and the preparation of sketches in the Land Office, however, it was found that by slightly re-adjusting some of the lines of the counties interested, the county of Bee could be created in much better shape, and at the same time improve and render permanent the boundaries of the counties from which it is proposed to be taken. In view of these facts and the difficulties and hardships of the people interested, and with the concurrence of the Representatives from all the counties interested. I am instructed to report the bill to the House, with the accompanying amendments, and recommend its passage.

JOHN HENRY BROWN, *Chairman.*

Amendments to Bee county bill.

1ST AMENDMENT.—Let the caption read—An Act to create the county of Bee, add it to the fourteenth Judicial District, and adjust the boundaries of adjoining counties affected by the creation of said county.

2ND AMENDMENT.—Strike out all of the first section, after the word “to wit” in the third line, and insert the following.

Beginning on the Blanco creek, at the southwest corner of Goliad and Refugio counties, as defined in this bill: thence up the Blanco creek, with its meanders, to where the Helena and San Patricio road crosses the same; thence in a direct line to the southwest corner of J. Johnson’s survey, on the Medio creek; thence up the Medio to the lower line of the G. Childers survey; thence north 70° west eleven miles, following the lines of the Gill and James surveys; thence south 27° east to the lower line of Live Oak county; thence in a direct line to a point three miles south 36° west from the mouth of Papelote creek; thence in a direct line to the mouth of said creek; thence in a direct line to the beginning; shall constitute a county, to be called “Bee,” in honor of the late Barnard E. Bee, formerly Secretary of war in the Republic of Texas.

3RD AMENDMENT.—Add to the second section the following: Said county seat, when located shall be called Beeville.

4TH AMENDMENT.—After the 5th section, insert.

SEC. 6. That the boundary of Goliad county shall hereafter begin on the San Antonio river, where the lines of Victoria and Goliad counties now strike the same; thence down the river, with its meanders, to a stone pillar, at the lower corner of the Gertrudes Barrera (or Sayriego) tract of land; thence south 49° west to the Blanco creek; thence up the Blanco, with its meanders to the line of Karnes county; and thence following the present boundary of Goliad county to the place of beginning.

SEC. 7. That the boundary of San Patricio county shall hereafter be as follows:

Beginning at the northwest corner of the Gregorio Farias four league tract of land; thence south 51° west twenty-five miles; thence north 39° west to the south corner of Live Oak county; thence north 51° east with said line crossing the Nueces river, to the corner of Bee county, as hereinbefore defined; thence down and with the line of Bee county to the Aransas river; thence down said river, with its meanders, to its mouth; thence with the western margin of Copano Bay to the south corner of survey No. 13, in the name of Larkin Martin; thence in a direct line to the northeast corner of survey No. 5, in the name of John N. Seguin; thence with the east line of said survey to the Nueces Bay; thence up said river, with its meanders, to the beginning.

SEC. 8. That the boundary of Nueces county shall hereafter be so run as to include all that territory formerly included within San Patricio county, which lies between Nueces and Corpus Christi Bays, and the Copano and Aransas Bays, and below the line of San Patricio county described in the preceding section, beginning at the south corner of survey No. 13, in the name of Larkin Martin; thence in a direct line to the northeast corner of survey No. 5 in the name of John N. Seguin; thence with the east line of said survey to Nueces Bay.

5TH AMENDMENT.—Change section 6th of the bill to section 5th; adopted.

Report taken up and adopted and bill passed to a third reading—rule further suspended, read third time and passed.

Mr. Johnson, chairman of committee on Engrossed Bills, reported correctly engrossed, a bill for the relief of the Colorado Valley Railroad Company; a bill for the relief of Lazaro Garza, and a joint resolution ordering the erection of a statue of the late General T. J. Rusk. Report accepted.

Mr. Bee, chairman of committee on State Affairs, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on State Affairs have examined a bill to regulate the revenue arising from land, and instructed me to report, that the bill contemplates a radical change in the present system of assessment of the landed interest of the State. It proposes that all unimproved lands be taxed in proportion to their quality; and establishes three grades by which such lands shall be assessed—the first quality three dollars, the second two, and the third quality one dollar per acre. The bill also provides, that all improved lands shall pay a tax proportionate to their value, including the value of its improvements. The committee are of opinion that the proposed change in the existing law is not advisable at present, and ask to be discharged from its further consideration. Report adopted.

Also, the committee on State Affairs have examined a bill providing for a sufficient supply of authentic lithographed maps of the surveys of lands of the several counties of the State, and report that they do not deem it expedient to incur the expense at present, and return the bill with the recommendation that it do not pass. Report adopted.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for executive approval a bill making an appropriation to pay for the State copies of the 16th and 17th volumes Texas Reports; report accepted.

REPORTS OF SELECT COMMITTEES.

Mr. Buckley, chairman of the Select committee on Judicial Districts, reported: The committee on Judicial Districts have examined a bill to organize the 19th Judicial District, and instruct me to report, that the extension of our frontier settlements and the formation of numerous new counties in that section of the State, consequent upon such settlement, render the creation of two Judicial Districts indispensable to the due administration of the law; they, therefore, submit the accompanying substitute for the original bill, and recommend its passage. Report received.

On motion of Mr. Buckley, the rule was suspended and the report taken up and adopted.

Bill ordered to be engrossed, rule further suspended, bill read third time and passed.

Mr. Rainey offered the following resolution:

Resolved, That the committee on Internal Improvement be requested to enquire into the propriety of requiring the Directors of all the Railroad companies in this State, to publish semi-annually, in some weekly journal at the city of Austin, a statistical account of the extent and existing condition of their roads, the amount of stock taken, the amount of indebtedness, the number and character of mortgages, if any, upon said roads, and all other matters necessary to exhibit the true and exact condition of said roads and said companies. Adopted.

Mr. Chilton offered the following resolution:

Resolved, That the Judiciary committee be, and is hereby instructed, to enquire into the expediency of increasing the number of Associate Justices of the Supreme Court of the State, from two to four, and report by bill or otherwise. Rejected.

Mr. Wood offered the following resolution:

Resolved, That a Select committee of five be appointed by the Speaker to take into consideration the propriety of revising, amending and condensing the Probate Law of the State, and report by bill or otherwise. Adopted.

Mr. Dalrymple introduced a bill to amend an act to reduce into one and amend the several acts concerning executors; read first and second times and referred to Judiciary committee.

Also, a bill to regulate proceedings in the Supreme Court; read first and second times and referred to Judiciary committee.

Mr. Aycock introduced a bill to prevent herders of stock from trespassing on land and premises under certain circumstances; read first and second times and referred to committee on stock.

Mr. Powell introduced a bill to legalize the acts of the County Court of Montgomery county acting as a Board of Land Commissioners; read first and second times and referred to Judiciary committee.

ORDERS OF THE DAY.

The hour having arrived, the special order of the day was taken up, viz: Mr. Dennis' motion to reconsider the vote taken on yesterday, refusing to engross a bill to be entitled an act

supplementary to an act to provide for the investment of the School Fund in the bonds of railroad companies incorporated by the State, approved August 13th, 1856.

Mr. Reeves moved to adjourn until 10 o'clock, A. M., to-morrow; lost.

Mr. Reeves moved to adjourn until 9½ o'clock, A. M., to-morrow; lost.

Mr. Reeves moved to adjourn until 9 o'clock, A. M., to-morrow; lost.

On motion of Mr. Bee a call of the House was ordered.

Mr. Dennis moved to suspend the call; lost.

On motion of Mr. Locke, the Sergeant-at-Arms was despatched after absentees.

Mr. Crawford moved to excuse all of the absentees; lost.

On motion of Mr. Locke, the call of the House was suspended.

Mr. Rainey moved to adjourn until 10 o'clock, A. M., to-morrow.

The question recurring on the reconsideration, the same was put, and the vote refusing to engross was reconsidered by the following vote:

YEAS.—Messrs Barnard, Bee, Bishop, Brown, Buckley, Burnett, Chilton, Cleveland, Clow, Cooley, Craig, Crawford, Dennis, Doom, Edwards, Evans of Austin, French, Hall, Harde-man, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Hicks, Howerton, Jennings, Joseph, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Munson, Navarro, Norton, Poag, Powell, Price, Rainey, Reeves, Rhodes, Rogers, Scott, Smith, of Orange, Tait, Upshaw, Wælder and Waterhouse—47.

NAYS.—Messrs. Speaker, Aycock, Baldwin, Burks, Carroll, Chance, Collier, Crook, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Henderson of Gass, Higgins, Holland, Johnson, Kirk, Lacy, Lesueur, Lewter, Locke, Lloyd, McKenney of Hopkins, Mills, Murrah, Roberts, Ross, Runnels, Shannon, Shelton, Smith of Fannin, Walling, Ward and Wood—36.

The bill was then, on motion of Mr. Bee, recommitted to the committee on Internal Improvements.

Mr. Everett moved to suspend the rule and take up a bill originating in the Senate, for the relief of Andrew J. Coupland.

Mr. Reeves moved to adjourn until 9½ o'clock, A. M., to-morrow.

The Speaker decided the motion of Mr. Reeves out of order; deciding that Mr. Everett had the floor, and consequently the House could not entertain the motion of Mr. Reeves.

Mr. Reeves appealed from the decision of the Chair.

The question being on sustaining the decision of the Chair, the same was put, and the Chair was sustained.

On motion of Mr. Buckley, the following Senate bills were taken from the Speaker's stand, and referred to their appropriate committees:

A bill to be entitled an act for the relief of Andrew J. Coupland; read first and second times and referred to the committee on Public Lands.

A bill to be entitled an act to prolong the time of holding the regular quarterly terms of the County Courts, for the transaction of county business; read first and second times and referred to the committee on the Judiciary.

A bill to be entitled an act for the relief of Helena Eggeling; read first and second times and referred to the committee on Private Land Claims.

A bill to be entitled an act permanently to locate the seat of justice of Angelina county; read first and second times and referred to the committee on Counties and County Boundaries.

A bill to be entitled an act to extend the time for locating and returning to the General Land Office certificate No. 70, issued to the Buffalo Bayou, Brazos and Colorado Valley Railroad Company, and other certificates hereinafter mentioned; read first and second times and referred to the committee on Public Lands.

A bill to be entitled an act for the relief of actual settlers, who settled within the Mississippi and Pacific Railroad reservation prior to the 21st day of December, 1853, and failed to have their lands surveyed within eight months, and field-notes returned to the General Land Office within twelve months from their settlement; read first and second times and referred to the committee on Public Lands.

A bill for the relief of James Sterrit; read first and second times and referred to the committee on Private Land Claims.

On motion, the House adjourned until 10 o'clock, A. M. to-morrow.

AUSTIN, December 3rd, 1857.

House met pursuant to adjournment—prayer by the Rev. James C. Wilson—roll called, quorum present—Journal of yesterday read and adopted.

The Speaker then announced Messrs Wood, Mills, Hicks, Ross, Runnels, Price and Locke, committee to take into consideration the propriety of revising, amending and condensing the Probate Law of this State.

PETITIONS.

Mr. McKinney of Travis, presented the petition of Sherman Case ; referred to committee on Claims and Accounts.

Mr. Howerton presented the petition of Elizabeth Rice ; referred to committee on Private Land Claims.

Mr. Runnels presented the petition of sundry citizens to quiet land titles ; referred to Judiciary committee.

Mr. Navarro presented the petition of E. Sanches ; referred to committee on Private Land Claims.

Mr. Chance presented the petition of H. Mitchel ; referred to committee on Roads, Bridges and Ferries.

Mr. Aycock presented the petition of Jas. E. Plummer ; referred to committee on Private Land Claims.

M. Evans of McLennan, presented the petition of sundry citizens of Lampasas and Burnet counties ; referred to committee on Counties and County Boundaries.

Mr. Dalrymple presented the petition of W. B. S. Allen ; referred to Judiciary committee.

Mr. Navarro, one of the committee on State Affairs, reported that the committee had examined the petition of Juana Navarro Alsberry, and find that petitioner is the widow of one Alexander Alsberry ; that during the seige of the Alamo, and at the time of its fall she and her sister were in the Fort. That she lost all her clothing and all the little property which she had with her, the same having been taken and destroyed by the enemy, and that she is now nearly fifty years old, and in very indigent circumstances.

In view of these facts, the committee have instructed me to report the accompanying bill for her relief, and respectfully recommend its passage ; report received and bill read first time.

Mr. Aycock chairman of committee on Public Lands reported that the committee had examined a Senate bill, for the relief of A. J. Coupeland and find : That on the 22d February 1848

a patent was issued by the State authorities to Josiah Thomas for two-thirds of a league of land, and that in 1851 for valuable consideration said Thomas sold to A. J. Coupeland, 416 acres of the land prior to that patent; in 1835, a grant had been made to W. Fergerson of one-fourth league of land, embracing the entire tract sold by Thomas to Coupeland by the sovereignty of the soil.

Your committee is satisfied that Mr. Copeland cannot obtain a cancellation of his interest in the patent and a certificate for the amount of land under the act of 3d February, 1854, because he is unable to command the patent, Thomas having sold portions of the tract patented to other persons, some one of whom is supposed to be in possession of the patent. The committee recommend the passage of the bill; report received.

Also, recommended the passage of a Senate bill, to extend the time for locating and returning to the General Land Office certificate No. 70, issued to the Buffalo Bayou, Brazos and Colorado Valley Railroad company and other certificates therein named; report received.

Also, made the following report:

The committee on Public Lands, have examined the petition of the citizens of Jasper county, praying to have the league of land granted to John Lout, deceased, vacant. And that they are informed that since the reference of said petition the necessity of any legislation is superseded, in regard to it, by a remedy which the petitioners have adopted.

The committee recommend that no action be had thereon, and to be discharged from its further consideration; report adopted.

Also reported as follows:

The committee on Public Lands have examined the petitions of Joseph Martin, M. J. Minford and other citizens of Henderson county, and a bill for the relief of settlers upon Eleven League Clams, and report: That said petitions and bill are designed for the same purpose and would more properly belong to the Judiciary committee, to which similar bills and petitions have been referred; and the committee ask such reference and to be discharged from the further consideration of the same; report adopted.

Mr. Buckley, chairman of committee on Private Land Claims reported, asking the reference of the petition of Jno S. and Eliza Saunders to the committee on the Court of Claims; report adopted.

Mr. Jennings, chairman of the committee on the Judiciary reported as follows:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on the Judiciary, to whom was referred a petition of sundry citizens of Austin relative to the title to real estate in the city, with a bill for quieting the same, find the following to be the facts presented.

The Congress of the late Republic, passed an act for the permanent location of the Seat of Government on the 14th of January, 1839, which provided for the appointment of Commissioners to select a proper site for the permanent Seat of Government of the Republic. The act empowered the Commissioners to select the site either on public or private lands. If on private lands, they were to be purchased from the owners and if they could not agree on the price, it was to be settled by the County Court and a Jury.

The commissioners A. C. Horton and others, selected the present site of the city of Austin, and purchased the lands from such of the claimants as they could agree with.

The third of a league upon which most of the city is now built, was claimed by General Edward Burleson, who had located it by virtue of a certificate, the head-right third of a league of Saml Gouche then deceased. Not agreeing as to the price, General Burleson was cited before the County Court of Bastrop county, the price of the land then assessed by a jury at three dollars per acre, and the money was paid to him by the Government. This was all done in 1839.

In the year 1840 or soon afterwards General T. J. Chambers filed in the Land Office a title or grant to himself from the State of Coahuila and Texas for about eight leagues of land, embracing the city of Austin, and the adjacent country. This claim is now in suit in the State Courts, but none of the citizens of Austin, have been found in the suit or otherwise disturbed by this claim as yet.

In 1854, Elial M. Smith having purchased a part interest in the claim of the heirs of Saml. Goucher, deceased, removed to Arkansas, and while there instituted a suit by bill in equity against the citizens of Austin, who resided on the above-mentioned third of a league.

He claims in his bill that neither Goucher or his heirs ever sold their right in their certificate to Burleson, and that the land still belongs to them and their assigns that Government

had no constitutional right to take the land without giving adequate compensation to the true owner. This suit which was brought, in the United States District Court at Austin, is now pending in the city of New Orleans, whither it was removed by change of venue. It seems that about 1843, the Commissioner of the General Land Office for the same unaccountable reason, issued a patent to the third of a league, to the heirs of Samuel Goucher.

Your committee believe, in view of all the circumstances, that the prayer of the petitioners should be granted. The constitution certainly requires that adequate compensation shall be paid to the owners of property taken for public use.

If the owner has not been paid for the land, it is not too late to do so. Your committee believe, that adequate compensation would be the value of the property at the time it was taken, with interest to the time of payment.

With reference to the ownership of the land, the courts of our own State are in the opinion of your committee, the proper judges, and upon the payment of the money to the party so adjudged to be entitled to it, if it has not already been so paid, the State will be discharged from all constitutional obligation to those who may have owned the land when it was taken for public use. And they will have no further just cause of complaint.

Your committee therefore report the accompanying substitute for the original bill referred to them, and recommend its passage.

THOS. J. JENNINGS,

Chairman.

Mr. Buckley, chairman of committee on Private Land Claims, reported as follows :

The committee on Private Land Claims have examined a Senate bill for the relief of Jas. Starrell and report : That said Starrell was one of Peters' Colonists, and as such received his certificate for 640 acres of land, which was located on a tract of land on Waxahachie creek, subsequent to which time he sold his certificate and claim. After making said sale another person by the name of Boyd squatted upon said tract of land as located, and in a suit between the assignee of Starrell and Boyd to adjudicate their respective claims to the location a compromise was made by which Boyd was to retain the land subsequent to which the certificate of Starrell was floated and located in two surveys of 320 acres each, upon other lands, for

what reason your committee is not aware, but they are unanimously of the opinion that patents should issue for the two tracts of 320 each, and therefore report the bill back to the House and recommend its passage ; report received.

Mr. Howerton, from the same committee, reported as follows :

The committee on Private Land Claims, have examined the petition of the heirs of Henry Vincent and find, that there are no facts, either from the petition or proof, that would justify granting the relief sought by petitioners. There is no such county as the one named in the petition in the State of Texas, nor has there ever been. The proofs are not sufficient in the opinion of the committee to grant the relief sought even though there had been such county as petitioner's ancestor is represented to have settled in. The only question raised by the petition or the proofs of any importance, is that of the marriage of some of the parties petitioner's. That however is not a question for this committee. If the validity of the marriage is to be enquired into. The committee is of opinion that the Judiciary of the State is the proper place to make such inquiry. It may be thought advisable to refer the petition to the Judiciary committee, the committee is not of opinion that any practical good can result from such reference; they recommend the indefinite postponement of the petition and ask to be discharged from its further consideration ; report adopted.

Mr. Wood, one of the same committee, reported unfavorably upon the petition of Henry O. Hedgecoxe, and asked to be discharged from its further consideration ; report adopted.

Mr. Locke, chairman of the committee on enrolled bills, reported correctly enrolled, properly signed and presented for Executive approval,

A bill to pay for printing the Proclamation of the Governor ; report accepted.

Mr. Buckley, chairman of a select committee made the following report.

The committee on Judicial Districts have examined and considered, a bill creating the 19th Judicial District, and defining the time of holding courts therein and report. That from the excess of labor already imposed upon the Judge of the 16th Judicial District, he having to hold court for 38 weeks in each year, and a number of new counties having been formed north and west of his District, which would of necessity have to be added thereto (already too large) because not

contiguous to any other. Therefore, your committee are of opinion that the creation of a new District to be composed of a part of the 16th and the new counties bordering thereon is indispensable, and report the accompanying substitute for the bill and recommend its passage; report received.

Mr. Crawford, chairman of the committee on Engrossed-bills, reported correctly engrossed, A bill to be entitled an act to create the 19th Judicial District, and to define the time of holding courts therein.

On motion of Mr. Joseph, Mr. Brown was excused from attendance on the House on account of indisposition.

On motion of Mr. Jennings, Mr. Baldwin was excused from attendance on the House on account of indisposition.

BILLS AND RESOLUTIONS.

Mr. Harrison introduced a bill more particularly defining the rights of settlers by virtue of head-right, bounty warrant or pre-emption upon any of the public domain; read first and second times and referred to committee on Public Lands.

Mr. Burnett introduced a bill for the relief of Sophia A. Fox; read first and second times and referred to the committee on Private Land Claims.

Mr. Walling introduced a bill to protect persons who pay money to Sheriff's and other officers; read first and second times and referred to the committee on the Judiciary.

Mr. Chilton introduced a bill to be entitled an act to increase the number of Associate Justices of the Supreme Court of the State of Texas; read first and second times and referred to the committee on the Judiciary.

Mr. Kinney introduced a bill to be entitled an act to incorporate the Nueces Bridge and Turnpike company; read first and second times and referred to committee on Roads, Bridges and Ferries.

On motion of Mr. Hart, the House proceeded to the consideration of the business on the Speaker's table and the orders of the day.

When the following message of His Excellency the Governor was taken up, and with accompanying documents, read and referred to the committee on Finance.

EXECUTIVE OFFICE, }
DECEMBER 2nd, 1857. }

Gentlemen of the Senate

and House of Representatives:

I transmit herewith a communication from the Comptroller, from which it will be seen that there is a necessity for converting some of the United States bonds in the Treasury into coin at an earlier period than can be done under the laws now in force. This must be attended to immediately or the Treasury will be without coin to meet the current demands upon it during your session. It is very probable that in the present condition of the money market, we may have to suffer a slight loss on these bonds in converting them into specie at this place instead of obtaining a premium as heretofore.

His suggestions are commended to your consideration with a recommendation that you immediately give him authority to negotiate not exceeding one hundred thousand dollars of said bonds for specie delivered at the Treasury, as it may be needed on the most favorable terms he can obtain, and if necessary that he be authorized to send an agent to New Orleans for that purpose.

E. M. PEASE.

A petition to extend the limits of the corporation of the city of Galveston, with a report of the committee on State Affairs was taken up and report and petition laid on the table.

A bill giving Pre-emptioners time to return field notes taken up. Mr. Collier moved to make the following the 2d section, and the present 2d-section the 3d.

Section 2d that occupation of the premises up to the time of issuing the certificate by the Clerk of the County Court or Chief Justice shall not be necessary to entitle such settler to his or her certificate provided he or she resided upon and cultivated his or her said pre-emption for the space of three years, and has had the same surveyed, and the field notes recorded within the three years occupancy which he or she claims to entitle them to the same; adopted.

Mr. Locke moved to amend the amendment by inserting after the word certificate in fifth line 2d section or their assignee; adopted.

Mr. Hart moved to amend by striking out the word cultivate in the 2d section, and insert improved; adopted.

On motion of Mr. Jennings, the caption of the bill was changed so as to read as follows:

"A bill to be entitled an act authorizing the issuing of patents to certain pre-emption claimants therein described."

Mr. Bee moved to "strike out under the law of January 22d, 1845, and 7th February, 1853."

On motion of Mr. Jennings the bill as amended was recommended to the committee on Public Lands.

Mr. Buckley moved to suspend the rule and take up a bill to be entitled an act vacating patents in certain cases; lost.

A resolution and report from the committee on the Land Office, relative to changing the time of opening and closing the Land Office taken up; adopted.

A bill for the relief of C. K. Ham taken up and read second time, when Mr. Jennings moved to re-refer the bill to the Court of Claims.

[Mr. WÆLDER in the Chair.]

Mr. Lee made the following point of order: that the House could not entertain the motion of Mr. Jennings, for the reason that the Court of Claims had no connection with the House of Representatives, and consequently the House had no right to refer any bill to the same.

The Speaker decided the motion of Mr. Jennings in order.

Mr. Lee appealed from the decision of the Chair.

The question being put, the House refused to sustain the decision of the Chair, and the bill was read second time and ordered to be engrossed.

A bill to be entitled an act to incorporate the Casino Association of San Antonio was taken up, and on motion of Mr. Bee, substituted by a bill, originating in the Senate, having the same caption.

Mr. Buckley offered the following amendment to come in at the end of 1st section:

"Provided the amount of property held by said corporation shall at no time exceed fifty thousand dollars;" adopted.

Mr. Mills moved to amend by inserting that "the Legislature shall have and retain the power to alter, change, or repeal the said charter hereafter, whenever the Legislature shall think proper."

[Speaker in the Chair.]

On motion of Mr. Wælder, laid on the table.

The question then recurring on the final passage of the bill, the same was put, and the House refused to pass the bill by the following vote:

YEAS.—Messrs. Speaker, Aycock, Barnard, Bee, Bishop,

Buckley, Burnett, Carroll, Chilton, Cleveland, Cooley, Crawford, Crook, Dennis, Edwards, French, Hall, Hardeman, Hardin, Harris of Guadalupe, Hart, Hicks, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Latham, Lee, Locke, McKenney of Hopkins, McKinney of Travis, Munson, Murrah, Navarro, Powell, Rainey, Reeves, Roberts, Ross, Shannon, Smith of Fannin, Tait, Upshaw, Wælder, Walling, Waterhouse, Witt and Wood—51.

NAYS.—Messrs. Burks, Chance, Clow, Collier, Craig, Dalrymple, Doom, Evans of McLennan, Gaston, Harris of Titus, Harrison, Haynes of Washington, Henderson of Cass, Kirk, Lacy, Lesueur, Lewter, Lloyd, Merriman, Mills, Poag, Price, Rhodes, Runnels, Scott, Shelton and Ward—27.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills, originating in the Senate, viz:

“A bill to be entitled an act supplementary to and amendatory of an act to regulate Railroad companies, approved February 7, 1853;

“A bill to be entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railway Company,” and

“A joint resolution ratifying the action of the Governor in calling into service a company of militia, for the protection of certain citizens, and to provide for the continuation in service and pay of said company;”

And that the Senate had concurred in the amendments of the House to—

“A bill to define the times of holding the sessions of the Supreme Court;” and

“A bill to create the county of Bee, in honor of Barnard E. Bee, deceased, late Secretary of War in the Republic of Texas, and to attach it to the 14th Judicial District.”

Mr. Kittrell offered the following resolution:

Resolved, That this House shall, from and after to-day, meet each morning at 9½ o'clock, and adjourn at 2 o'clock, P. M., until this order of adjournment shall be changed.

Mr. Wælder moved to lay the resolution on the table.

The yeas and nays were called for, and stood:

YEAS.—Messrs. Barnard, Bishop, Buckley, Burks, Burnett, Chance, Chilton, Clow, Collier, Cooley, Crawford, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Hall, Hardeman, Hicks, Holland, Howerton, Jennings, Joseph, Latham, Lesueur, McKenney of Hopkins, McKinney

of Travis, Mills, Murrah, Poag, Price, Rhodes, Shannon, Tait, Wælder, Waterhouse and Wood—38.

NAYS.—Messrs. Speaker, Aycock, Bee, Carroll, Cleveland, Craig, Crook, Everett, French, Gaston, Hardin, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Starr, Haynes of Washington, Higgins, Johnson, Kinney, Kirk, Kittrell, Lacy, Lewter, Locke, Lloyd, Merriman, Munson, Navarro, Norton, Powell, Rainey, Roberts, Ross, Runnels, Scott, Shelton, Smith of Orange, Upshaw, Walling, Ward and Witt—43.

So the House refused to lay the resolution on the table.

Mr. Chilton proposed to amend by striking out $9\frac{1}{2}$ and inserting 10, and by striking out 2 and inserting 3 o'clock.

On motion of Mr. Crook, laid on the table.

Mr. Chilton proposed to amend as follows:

Strike out $9\frac{1}{2}$ and insert, "shall meet at 7 o'clock each morning and continue in session 'till 4 o'clock."

Mr. Crawford moved to adjourn 'till $9\frac{1}{2}$ o'clock; lost.

Mr. Kittrell moved to lay Mr. Chilton's amendment on the table.

On motion of Mr. Lee, a call of the House was ordered.

Mr. Witt moved to send the Sergeant-at-Arms for absentees.

On motion of Mr. Kittrell, the call was suspended.

The question recurring upon laying Mr. Chilton's motion on the table, the same was put, and the vote stood:

YEAS.—Messrs. Speaker, Carroll, Cleveland, Collier, Craig, Crook, Doom, Evans of Austin, French, Gaston, Hardeman, Hardin, Harris of Titus, Harrison, Hart, Haynes of Washington, Holland, Joseph, Kittrell, Leseuer, Locke, Lloyd, McKinney of Travis, Mills, Murrah, Roberts, Ross, Runnels, Scott, Shelton, Smith of Fannin, Upshaw, Walling and Witt—34.

NAYS.—Messrs. Aycock, Bee, Bishop, Buckley, Burnett, Chance, Chilton, Cooley, Crawford, Dalrymple, Dennis, Edwards, Evans of McLennan, Everett, Hall, Harris of Guadalupe, Henderson of Cass, Hicks, Higgins, Howerton, Jennings, Johnson, Kinney, Kirk, Lacy, Lee, Lewter, McKenney of Hopkins, Merriman, Navarro, Norton, Poag, Powell, Price, Rainey, Reeves, Rhodes, Shannon, Tait, Wælder, Waterhouse and Wood—42.

So the House refused to lay the amendment on the table.

The question upon the adoption or rejection of the resolu-

tion, as amended, was put, and the resolution adopted by the following vote:

YEAS.—Messrs. Aycock, Bee, Bishop, Buckley, Burnett, Chance, Chilton, Cooley, Crawford, Dalrymple, Dennis, Edwards, Evans of McLennan, Everett, Hall, Hardeman, Haynes of Starr, Haynes of Washington, Henderson of Cass, Hicks, Higgins, Howerton, Johnson, Kinney, Kirk, Lacy, Lee, Lester, McKenney of Hopkins, Merriman, Munson, Murrah, Navarro, Norton, Poag, Price, Rainey, Reeves, Shannon, Wælder, Walling, Waterhouse, Witt and Wood—44.

NAYS.—Messrs. Speaker, Carroll, Cleveland, Collier, Craig, Crook, Doom, Evans of Austin, French, Gaston, Hardin, Harris of Gualalupe, Harris of Titus, Harrison, Hart, Holland, Jennings, Joseph, Kittrell, Lesueur, Locke, Lloyd, McKinney of Travis, Mills, Powell, Roberts, Ross, Scott, Shelton, Smith of Fannin, Tait and Upshaw—33.

Mr. Buckley moved to lay the resolution, as amended, on the table.

On motion of Mr. Lee, the House adjourned until 10 o'clock A. M., to-morrow.

Pending, Mr. Buckley's motion to lay the resolution on the table.

AUSTIN, Friday, December 4, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Aycock presented the petition of sundry citizens of Fall county; referred to the Judiciary committee.

Mr. Dalrymple presented the petition of Mrs. Martha V. Strickling; referred to the committee on Private Land Claims.

Mr. Bee presented the petition of Isidro Gutierrez's heirs; referred to the committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Jennings, Chairman of the Judiciary committee, reported as follows:

The committee on the Judiciary, to whom was referred the Joint resolution ratifying the action of the Governor in calling into service a company of militia, &c., instruct me to report the accompanying substitute, and recommend its passage.

The committee further remark, that they have had under

consideration the subject of the "Cart Difficulties," and the mode of suppressing further attacks upon citizens of Mexican origin, engaged in the transportation of merchandize and other goods between the Gulf coast and San Antonio; that they have not yet fully matured such a plan as will, in their opinion, produce the desired effect, and that they will, at an early day, make such recommendations to the House as may meet the exigencies of the case. Report received.

On motions of Mr. Jennings, the rule was suspended, and the report and substitute taken up and adopted.

Mr. Wælder proposed to amend the bill by filling up the blank—for the pay of pay-master, with one hundred dollars; carried.

Mr. Hart proposed to amend by striking out "and for the loss of arms;" adopted.

Mr. Hart proposed to amend by striking out "mileage;" rejected.

The bill was then ordered to be engrossed, and on motion of Mr. Wælder, the rule was suspended and the bill read third time, and passed by the following vote:

YEAS—Messrs. Speaker, Aycock, Baldwin, Bee, Bishop, Buckley, Burks, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crawford, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Hicks, Higgins, Holland, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Loyd, McKenney of Hopkins, McKinney of Travis, Meriman, Mills, Munson, Murrah, Navarro, Powell, Rainey, Reeves, Roberts, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, and Wood—66.

NAYS—Messrs. Barnard, Evans of McLennan, Everett, Harris of Titus, Hart, Lesueur, Lewter, Locke, Norton, Price, Walling, Waterhouse, and Witt—13.

Mr. Buckley, one of the Judiciary committee, made the following report:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the petition of Manilla Newman and child, have had the same under consideration, and instructed me to report: That, from

the petition (which is made a part of this report,) and the evidence adduced before us, it appears that one William Newman married petitioner in Shelby county, Texas, and settled on one hundred and sixty acres of public land in said county, under the pre-emption laws, and improved the same, petitioner performing full as much of the labor in improving said land as the said William Newman. In due course of time there was born, as the issue of said marriage, the child of petitioner. That after the birth of said child, it was discovered that the said William Newman had a living wife in the State of Mississippi at the time he married the petitioner, which rendered the marriage of said Newman and petitioner null and void in law. The committee further find, from the evidence, that said William Newman was indicted, in Shelby county, for bigamy, in marrying petitioner, and fled the country, leaving petitioner and her child in possession of the pre-emption claims aforesaid. Your committee are of the opinion, that, inasmuch as the marriage of said Newman and petitioner was void in law, she did not lose her personal identity thereby; and as she performed as much labor in settling and improving the pre-emption which they occupied, she has an equal right thereto, and, most assuredly, more merit than the base and infamous wretch who has trifled with her affections and blasted her hopes. They also find that the maiden name was Manilla Prince. In view of all her facts, your committee submit the accompanying bill for her relief, and recommend its passage.

C. W. BUCKLEY,

One of the committee.

Report received.

Mr. Murrah, Chairman of the committee on Federal Relations, reported as follows :

The committee on Federal Relations, to whom was referred a Joint resolution, requesting our Senators and Representatives in Congress to use their efforts to procure the establishment of a District Court of the United States at El Paso, in the State of Texas, have had the same under consideration, and in view of the facts and considerations embraced in the preamble, recommend the passage of the resolution. Report received.

Mr. Rainey, Chairman of the committee on Internal Improvements, reported as follows :

The committee on Internal Improvements, to whom was referred the resolution instructing said committee to inquire

into the expediency of so amending the Loan Bill as to permit railroad companies, who have completed a section of twenty-five miles, to avail themselves of the provisions of said Bill on the completion of each subsequent section of five miles and put in good running order, have had the same under consideration, and instruct me to report the accompanying bill and recommend its passage.

Report received and bill read first time.

Mr. Locke, Chairman of the committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for Executive approval, a bill to define the times of holding the sessions of the Supreme Court, and a bill to create the county of Bee, add it to the fourteenth Judicial District, and adjust the boundaries of adjoining counties. Report accepted.

Mr. Buckley, Chairman of the committee on Judicial Districts, made the following report:

The committee on Judicial Districts have had under consideration the subject of re-organizing the sixteenth Judicial District, and to prescribe the time of holding courts therein, rendered necessary by the formation of the twentieth Judicial District, at the present session of the Legislature, have instructed me to report the accompanying bill and recommend its passage. Report received.

BILLS AND RESOLUTIONS.

On motion of Mr. Doom, the vote refusing to pass a bill to incorporate the Casino Association of San Antonio, was reconsidered, and bill passed by the following two-thirds vote:

YEAS—Messrs. Speaker, Baldwin, Barnard, Bee, Bishop, Buckley, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Crawford, Crook, Dennis, Doom, Edwards, Evans of Austin, French, Gaston, Hall, Hardin, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Washington, Henderson of Cass, Hicks, Higgins, Holland, Howerton, Jennings, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lewter, Locke, Lloyd, McKinney of Travis, Merri-man, Mills, Munson, Murrah, Navarro, Norton, Poag, Powell, Rainey, Reeves, Rhodes, Roberts, Ross, Scott, Shannon, Shel-ton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Waterhouse, Witt, and Wood—71.

NAYS—Messrs. Evans of McLennan, Dalrymple, Runnels, and Walling—4.

Mr. Crawford, Chairman of the committee on Engrossed Bills, reported correctly engrossed a bill for the relief of C. K.

Ham, and a bill to provide for paying a company of mounted volunteers, called into service by the Governor for the protection of Mexican cartmen, between San Antonio and the Gulf. Report accepted.

Mr. Smith of Orange introduced a bill to amend the first section of an act to encourage the building of steamboats, steamships, and other vessels in the State of Texas; read first and second times, and referred to the committee on State Affairs.

Mr. Bishop introduced a bill to legalize and make valid the acts of the county officers of Jack county, and to change the name and permanently locate the county seat of said county; read first and second times, and referred to the committee on County Boundaries.

Also a bill amendatory and supplementary to an act to incorporate the Memphis and El Paso Railroad Company, approved fifth of February, 1856; read first and second times and referred to the committee on Public Lands.

Mr. Bee offered the following resolution.

Resolved, That Friday and Saturday of each week, (after the morning's business is concluded) shall be especially devoted to the consideration of bills on the Speaker's table, which shall be taken up in their regular order and acted on. That on the days above named, no member shall speak more than ten minutes on any question without leave of the House.

"That where a bill is reached which shall require general discussion, it shall be in order to pass it by until the following Monday, when it shall be taken up in its order.

"That no bill shall be made the special order of the day, for the days above named."

On motion of Mr. Bee, the "rule requiring the resolution to lay on the table one day," was suspended, and the resolution taken up; when

Mr. Poag offered the following amendment, viz:

"And be it further resolved, that any measure upon the motion of any one member may be postponed as provided for in the above resolution;" rejected.

Mr. Locke moved to "amend by striking out "Fridays and Saturdays," and insert "Thursdays, Fridays and Saturdays."

Mr. Lee moved to postpone the resolution and amendments until the third Monday in January; lost.

Mr. Everett offered the following substitute to the resolution:

“Resolved, That no more resolutions upon the subject of the adjournment of the House, speaking, &c., shall be introduced during the session.” On motion, laid on the table.

On motion of Mr. Locke, the previous question was ordered.

The question being on adoption of the amendment offered by Mr. Locke, the same was put and the House refused to adopt it.

Question recurring on the adoption of the original resolution, the yeas and nays were demanded, and the resolution was adopted by the following two-thirds vote :

YEAS—Messrs. Speaker, Baldwin, Barnard, Bee, Bishop, Buckley, Carroll, Cleveland, Clow, Collier, Cooley, Crawford, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Washington, Henderson of Cass, Hicks, Higgins, Holland, Howerton, Jennings, Joseph, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Merriman, Munson, Norton, Poag, Powell, Rainey, Reeves, Scott, Shannon, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Walling, and Witt—59.

NAYS—Messrs. Aycock, Burks, Burnett, Chance, Craig, Evans of McLennan, Everett, Harrison, Johnson, Kinney, Lee, Locke, Mills, Murrah, Price, Rhodes, Runnels, Smith of Orange, Waterhouse, and Wood—20.

Mr. Howerton moved to reconsider the vote adopting the resolution.

Mr. Wælder moved to lay the motion to reconsider on the table.

Mr. Everett moved to adjourn until 9 o'clock A. M., to-morrow ; lost.

On motion of Mr. Everett, a call of the House was ordered.

On motion of Mr. Locke, the call was suspended.

On motion, the House adjourned until 9 1-2 o'clock A. M., to-morrow—pending Mr. Wælder's motion to lay the motion to reconsider on the table.

AUSTIN, Saturday, December 5th, 1857.

House met pursuant to adjournment—roll called, quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Locke presented the petition of 103 citizens of Upshur County; referred to Judiciary Committee.

Mr. Evans of McLennan presented the petition of James T. Walker; referred to Committee on Public Lands.

Mr. Latham presented the petition of the Clerk of District Court Cameron County; referred to Judiciary Committee.

Mr. Ross presented the petition of John Reed; referred to Committee on Public Land Claims.

Mr. Carroll presented the petition of Adam Meek Byers; referred to the Judiciary Committee.

Also the petition of J. M. Gregg and others; referred to the Judiciary Committee.

On motion of Mr. Edwards, Mr. Hardeman was excused from attendance on the House for ten days.

On motion of Mr. Jennings, Mr. Wælder was excused from attendance on the House for four days.

REPORTS OF STANDING COMMITTEES.

Mr. Cleveland, one of the Committee on Judiciary, reported back to the House a bill granting to settlers on vacant Public Domain pre-emption privileges; and asked its reference to the Committee on Public Lands; report adopted.

Mr. Aycock, Chairman of Committee on Public Lands, reported asking the reference of the petition of Austin College to the Committee on Private Land Claims; report adopted.

Also reported, the Committee on Public Lands have examined the petition of sundry citizens of Leon County for relief &c., and instruct me to report that the matters therein have been heretofore considered both by your Committee and the House of Representatives, and such relief as they thought necessary already provided. They recommend that no further action be had thereon; report adopted.

Also reported as follows, the Committee on Public Lands have examined a bill for the relief of actual settlers within the Mississippi and Pacific Railroad Reserve, prior to the 21st day of December, 1853, and failed to have their lands surveyed within 8 months, and field notes returned to the General Land Office, within 12 months from their settlement and recommend its passage; report received.

Mr. Wood, one of the Committee on Private Land Claims, reported as follows:

The Committee on Private Land Claims, have examined a

bill for the relief of James T. Gorman, and find the facts to be these :

It was proven to the satisfaction of the Committee, that said Gorman was a soldier in the service of Texas for a long time ; that he was in what is known as the Cordova expedition, that in a battle with the Indians, he was shot in the leg and permanently disabled. The Committee therefore report the accompanying substitute for the bill, for his relief and recommend its passage ; report received.

Mr. Kirk, one of the Private Land Claims Committee, reported back the petition of Eugenio Sanches and asked its reference to the Select Committee on the Court of Claims ; report adopted.

Mr. Howerton of the same Committee, reported as follows :

The Committee on Private Land Claims have examined the petitions of James Johnson and others, of Mary Prather and of Joseph E. Plummer, and of Martha V. Strickling, and after examining all the facts and proof in the petitions report :

That, they are of opinion that said petitioners are not entitled to any sort of relief at the hands of this Legislature. Therefore, they report the same back to the House and recommend that no further action be had thereon ; report adopted.

Mr. Ross, one of the Committee on State Affairs reported as follows :

The Committee on State Affairs, have had under consideration the petition of the citizens of Millville in Rusk County, and report a substitute for the bill referred incorporating Millville Male and Female Academy, and recommend its passage ; report received.

BILLS AND RESOLUTIONS.

Mr. Joseph introduced a bill creating Land Districts and prescribing the duties of Surveyors ; read first and second times and referred to Committee on Land Office.

Mr. Hardin introduced a bill authorizing the Commissioner of the General Land Office to issue a patent on a certain Certificate therein named ; read first and second times and referred to Private Land Claims Committee.

Mr. Kittrell introduced a bill better defining the boundary line between the Counties of Grimes and Madison ; read first and second times and referred to the Committee on County Boundaries.

ORDERS OF THE DAY.

The following communications from his Excellency the Gov-

ernor, were taken from the Speaker's table, read and referred as marked.

EXECUTIVE OFFICE. }
AUSTIN, DECEMBER 4th, 1857. }

Gentlemen of the Senate,

and House of Representatives :

I transmit herewith, for your consideration, the first semi-annual report of the Superintendent of the Lunatic Asylum, which will be found to contain much information in regard to the number of Idiots and Lunatics in the State and their condition.

E. M. PEASE.

Referred to the Committee on Education, and 200 copies of report ordered to be printed.

Gentlemen of the Senate,

and House of Representatives :

I have the honor to transmit herewith, the report of the State Engineer, giving a full detail of the operations of his office since its organization.

I also take this occasion to make the report required from the Governor, under the provisions of the 1st Section of "An act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas by making appropriations for the same," passed 1st August, 1856.

The following amounts have been drawn from the fund appropriated by said act in favor of the several contractors, and for the objects named, viz :

Draft in favor of H. J. Powell, contractor, for the improve-	
of the Colorado River, - - - - -	\$10,800,00
Wm. J. Phillips contractor for the Colorado	
River, - - - - -	6,600,00
Brown & French, contractors for the Brazos	
River, - - - - -	7,500,00
David Bradbury, contractor for San Jacinto,	18,180,00
G. B. Dycus, contractor for Guadalupe	
River, - - - - -	15,000,00

In regard to all these drafts, except that in favor of David Bradbury, it appeared by the report of the State Engineer; that they did not exceed three-fourths of the work actually performed by the contractors under their contract, and in regard to that in favor of Bradbury, it appeared by said report that his contract had been completed and the work accepted. In all

these cases, evidence was produced showing that corresponding amounts had been paid to the contractors by the Collectors and Treasurers of the local subscription.

E. M. PEASE.

Referred to Committee on Internal Improvements and 200 copies ordered to be printed.

EXECUTIVE OFFICE, }
AUSTIN, DEC., 3rd, 1857. }

Gentlemen of the Senate,

and House of Representatives :

I transmit herewith, the biennial report of the Comptroller of Public Accounts for the years 1856 and 1857.

E. M. PEASE.

Referred to Committee on Finance.

On motion of Mr. Lee, a bill with a report from the Judiciary Committee, recommending the passage of a substitute for the bill to quiet titles to property in the city of Austin, taken up, report adopted, and bill ordered to be engrossed ; rule suspended read third time and passed.

On motion pending when the House adjourned viz :

Mr. Wælder's motion to lay upon the table, a motion to reconsider the vote adopting a resolution introduced by Mr. Bee, changing the order of business, was taken up, and on motion of Mr. Chilton, the consideration of the same was postponed until 11 o'clock Monday.

Also, a resolution requiring the House to convene at 7 o'clock, A. M., and continuing in session until 4 o'clock, P. M., was taken up and laid on the table by the following vote :

YEAS—Messrs. Speaker, Aycock, Baldwin, Burks, Burnett, Cleveland, Clow, Collier, Craig, Crawford, Crook, Dennis, Evans of Austin, Everett, French, Gaston, Hall, Hardin, Harris of Titus, Haynes of Washington, Henderson of Cass, Howerton, Johnson, Joseph, Kittrell, Lee, Locke, Lloyd, Mills, Roberts, Rogers, Runnels, Scott, Shelton, Smith of Fannin, Tait, Upshaw, Walling and Ward.—39

NAYS—Messrs. Bishop, Carroll, Chilton, Cooley, Dalrymple, Doom, Edwards, Harris of Guadalupe, Harrison, Hart, Higgins, Holland, Kirk, Lacy, Latham, Lesueur, Lewter, Merri-man, Navarro, Norton, Poag, Price, Rainey, Reeves, Rhodes, Ross, Shannon, Smith of Orange, Waterhouse, Witt and Wood.—31.

Mr. Kittrell, by leave offered the following resolution :

Resolved, That from and after to-day, this House shall convene for business at half-past 9 o'clock, each morning ; laid on the table one day for consideration.

A bill to allow James Strange, to pursue the occupation of a pedlar, free from tax or license ; taken up and on motion of Mr. Wood, laid on the table.

Also, the following bills were taken from the Speaker's table and disposed of as follows :

A bill to be entitled an act authorizing the Clerk of the County Court of Grayson County, to transcribe into a bound book, to be procured by him, all records hereinafter mentioned ; read third time and passed.

A bill, to be entitled an act for the relief of J. S. Miney ; read third time and laid on table.

A bill, to be entitled an act to admit Wm. H. Burkhart, to practice law in the Courts of this State ; read third time and passed.

A bill, entitled an act to authorize the Clerk of the County Court of Fayette County to transcribe certain records therein named ; read third time and passed.

A bill, to be entitled an act to authorize the Clerk of the County Court of Johnson County to transcribe certain records therein named ; read third time and passed.

A bill, to be entitled an act authorizing the Clerk of the District Court of Fayette County to transcribe certain records therein named ; read third time and passed.

A bill, to be entitled an act to incorporate the town of Bonham.

On motion of Mr. Smith of Fannin, the vote adopting the report of the Committee on State Affairs relative to the incorporation of the town of Bonham, was reconsidered.

Mr. Hart moved to amend by inserting the 13th section of the original bill ; lost.

And bill read third time and passed by a two-thirds vote.

A report of the Committee on Private Land Claims, recommending the rejection of the petition of Thomas George, was adopted.

A bill to amend an act to authorize the cancellation of patents in certain cases passed 3rd February 1854.

'On motion of Mr. Mills the rule' was suspended bill taken up and ordered to be engrossed, rule further suspended, read third time and passed.

A bill to be entitled an act to authorize the Commissioner

of the General Land Office, to cancel patent No. 815, Vol. 8, issued to Gregorio Sais, and issue a patent to Vincente Sais; read and ordered to be engrossed. On motion of Mr. Haynes of Star, the rule was suspended, bill read third time and passed.

A bill for the relief of Jacob Becker, deceased; read third time and passed.

A bill to be entitled an act to change the name of Taylorsville; read third time and passed.

A bill to be entitled an act making a contingent appropriation for the support of the State Penitentiary; read third time and passed.

A bill to be entitled an act to amend an act to incorporate the town of Greenville; read time and passed by a two-thirds vote.

A bill to be entitled an act to repeal an act supplemental to an act for the relief of the citizens of Mercers' Colony passed February 28, 1850 and approved August 30th, 1856; read third time and passed.

A bill to be entitled an act to authorize the County Court of the several Counties of this State to increase the pay of grand and petit Jurors; read third time and passed.

Mr. Howerton, moved to reconsider the vote passing the bill; lost.

A bill to be entitled an act for the relief of Wm. Lee; read third time and passed.

A bill to be entitled an act to change the name of Leander Milton Nealy, to Leander Milton Stone; read third time and passed.

A message was received from the Senate announcing to the House that the Senate had passed the following bills originating in the Senate, viz:

A bill to be entitled an act for the relief of John M. McLaughlin.

A bill to be entitled an act for the relief of Samuel McCulloch.

A bill to be entitled an act to provide for boring Artesian Wells, between the Nueces and Rio Grande rivers.

And a bill originating in the House to be entitled an act for the payment of a volunteer company, called into service by the Governor, with amendment.

And that the Senate had concurred in the amendment of the House to a bill to incorporate the Casino Association of San Antonio.

On motion of Mr. McKinney of Travis, the rules were suspended, and "a resolution, requesting the Attorney General to discontinue the suits now pending in the District Court of Travis county, against the Commissioners and Superintendents of the State Capitol," was taken up and ordered to be engrossed.

"A bill for the relief of A. H. Cook" was taken from the Speaker's table, and on motion of Mr. Jennings, the consideration of the same was postponed until Monday next.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills, originating in the Senate.

"A bill to be entitled An act to create the county of Bee, (in honor of Barnard E. Bee,) and attach it to the fourteenth Judicial District." And

"A bill to be entitled An act to adjust the boundaries of the counties of Goliad, San Patricio and Nueces."

On motion of Mr. Brown, the bill to create the county of Bee, &c., was taken up ; and

On motion of Mr. Brown, the House receded from such amendments as the Senate refused to concur in.

On motion of Mr. Brown, the rule was suspended, and the "bill to adjust the boundaries of Goliad, San Patricio and Nueces counties," was taken up and read first time ; rule suspended, read second time and passed to a third reading ; rule further suspended, read third time and passed.

On motion of Mr. Jennings, the rule was suspended, and "a bill for the payment of a volunteer company, called into service by the Governor, with an amendment from the Senate," was taken up.

Mr. Witt moved that the House refuse to concur in the Senate's amendment.

Mr. Crawford moved to lay the motion "refusing to concur" on the table.

The House refused to lay the motion on the table by the following vote :

YEAS—Messrs. Bee, Bishop, Brown, Cleveland, Clow, Cooley, Crawford, Dennis, Evans of Austin, French, Hall, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Latham, McKenney of Hopkins, Merriman, Mills, Navarro, Runnels, Tait, and Upshaw—29.

NAYS—Messrs. Speaker, Aycock, Barnard, Buckley, Burks,

Burnett, Carroll, Collier, Craig, Crook, Dalrymple, Doom, Edwards, Evans of McLennan, Everett, Gaston, Hardin, Harris of Titus, Harrison, Hart, Hicks, Kirk, Kittrell, Lacy, Lesueur, Lewter, Locke, Loyd, McKinney of Travis, Murrah, Norton, Poag, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Walling, Ward, Waterhouse, Witt, and Wood—49.

Mr. Price moved to adjourn until 10 o'clock A. M. on Monday next; lost.

Mr. Buckley moved to reconsider the vote refusing to lay Witt's motion, "refusing to concur," on the table.

On motion of Mr. Chilton, the motion to reconsider was laid on the table.

On motion of Mr. Locke, the main question was ordered.

The question being on motion of Mr. Witt to disagree with the amendment of the Senate, the yeas and nays were demanded, and the House refused to concur in the amendment of the Senate by the following vote:

YEAS—Messrs. Aycock, Barnard, Bishop, Burks, Burnett, Carroll, Chilton, Collier, Craig, Crook, Dalrymple, Doom, Edwards, Evans of McLennan, Everett, Gaston, Hardin, Harris of Titus, Harrison, Hart, Hicks, Kirk, Kittrell, Lacy, Lesueur, Lewter, Locke, Loyd, McKinney of Travis, Mills, Munson, Murrah, Norton, Poag, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Shannon, Shelton, Smith of Fannin, Tait, Walling, Waterhouse, Witt, and Wood—49.

NAYS—Messrs. Speaker, Baldwin, Bee, Buckley, Cleveland, Clow, Cooley, Crawford, Dennis, Evans of Austin, French, Hall, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Latham, Lee, McKenney of Hopkins, Navarro, Merriman, Runnels, Smith of Orange, Upshaw and Ward—32.

Mr. Brown offered the following resolution:

Resolved, (The Senate concurring,) That a committee of three on the part of the House, and two on the part of the Senate, be appointed to make arrangements for the inauguration of the Governor and Lieutenant Governor elect, on the twenty-first of December instant, and that they be instructed to report on or before the fifteenth instant. Adopted.

Mr. Crawford, Chairman of the committee on Engrossed Bills, reported correctly engrossed "a bill to be entitled an act

to amend an act to authorize the Commissioner of the General Land Office to cancel patents in certain cases."

On motion, the House adjourned until 9 1-2 o'clock A. M., Monday morning.

AUSTIN, Monday, December 7th, 1857.

House met pursuant to adjournment—roll called, quorum present—Journal of Saturday read and adopted.

PETITIONS.

Mr. Howerton presented the petition of James Magee and Michael Magee; referred to the committee on Claims and Accounts.

Mr. Barnard presented the petition of John Archer; referred to the committee on Claims and Accounts.

Mr. Buckley presented the petition of Thomas Leftwich and others; referred to the committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Wood, one of the committee on the Judiciary, made the following report:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred a resolution on the subject of "amending, abridging and condensing the Probate Law, have had the same under consideration, and beg leave to report the same back and recommend its reference to the Special committee of five on the Probate Law. The committee also beg leave to report back to the House the Senate's bill No. 53, amendatory of the Probate Law, and recommend its reference to the same committee.

The committee reports back to the House a bill entitled an act for the relief of the holders of certain certificates, and recommend its reference to the committee on Public Lands; this committee having under consideration the same subject in connection with certificates issued in Peters colony; report adopted.

Mr. Wood also made the following report, which was adopted:

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred "an

act to amend an act regulating attachments, approved March 11th, 1848," have had the same under consideration, and deem the change contemplated in the law of attachments by the bill dangerous and impolitic. Under the law as it now stands, no final judgment can be rendered in a suit by attachment, unless service has been had upon the defendant by the ordinary mode, or by publication, a provision most necessary for the protection of the rights and property of defendants. The bill under consideration proposes to dispense with this provision of the law, and substitute for it, in all cases where the amount involved does not exceed twenty-five dollars, posting by advertisement at the Court House door, and at two other places in the county. The committee can see no difference in principle between a case involving twenty-five dollars or less, and one involving one thousand or one hundred. The rights of the individual who contracts a twenty-five dollar debt ought to be as sacred and dear in the eye of the law as those of the debtor of twenty-five thousand. The proceeding by attachment is extraordinary, one of much hardship, and, with all of the guards that can be thrown around it, liable to be made an engine of oppression. Entertaining this view, the committee consider that it would be highly improper to allow plaintiffs, in any case, to take judgment without service upon the defendant by one of the modes now required by law. For these reasons, and others that might be urged, the committee report unfavorably to the passage of the bill, and ask to be discharged from further consideration of the same.

WM. D. WOOD,
One of the committee.

Mr. Everett, one of the committee on the Judiciary, reported as follows :

The committee on the Judiciary, to whom was referred "an act to regulate proceedings in the District Court," and also "an act to amend an act entitled an act to regulate proceedings in the District Court, passed fifteenth of May, 1845," have had the same under consideration, and instruct me to report that the committee are of the opinion that neither or both of said "Acts" ought to be passed, and they therefore recommend the rejection of the same. Report adopted.

PUBLIC LANDS.

Mr. Aycock, Chairman of the committee on Public Lands, reported as follows :

The committee on Public Lands, to whom was referred "A bill to be entitled an act amendatory and supplemental to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 6th, 1856, have examined the same, and instruct me to report the same back to the House, and recommend its reference to the committee on Internal Improvements.

PRIVATE LAND CLAIMS.

Mr. Lee, one of the committee on Private Land Claims, reported as follows :

Your committee, to whom was referred the petition of Mrs. S. A. Fox, have had the same under consideration, and have instructed me to report :

That the petitioner asks for the approval of bounty land certificates for four hundred and eighty acres of land, issued by Barnard E. Bee, Secretary of War of the Republic of Texas, on the twelfth day of November, A. D. 1837, to John B. Fox, the same having been rejected by the Hon. James C. Wilson, Commissioner of Claims. Your committee have closely scrutinized said certificate, many of them being well acquainted with the signature of Barnard E. Bee, and that they have submitted the same to the Commissioner of the General Land Office, the present Commissioner of the Court of Claims, and to the Hon. H. P. Bee ; and that the aforesaid gentlemen concur with this committee in the opinion that the aforesaid certificate is genuine. They, therefore, instruct me to report the following bill. Report received; and bill read first time.

Mr. Howerton, one of the committee on Private Land Claims, made the following additional report :

COMMITTEE ROOM, }
December 7th, 1857. }

TO THE Hon. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the petition of Polly Guthrie, and on whose petition a report was made to this House on the 20th of November, 1857, have instructed the undersigned to make an extended and additional report, inasmuch as they deem, from the action of this House, that a report, containing in brief the facts and circumstances that bring the committee to their conclusions, is desirable. The committee find that Andrew Jones, the for-

mer husband of petitioner, rendered three months' services to the Republic of Texas, in the year 1836, in Capt. Cos and Capt. Lynch's companies; that he faithfully performed such services, and was honorably discharged; that his discharge has been lost; that his wife, now Polly Guthrie, is a very poor and needy woman, with several children, and that her husband, Andrew Jones, never received any compensation in money or land for such services, nor has the said Polly and children, the issue of herself and said Andrew, ever received any compensation in money or land for said services. These facts were found upon the testimony of three reliable witnesses, and from the statements of a member of this House. The premises considered, the committee made their former report, and recommended the passage of the bill accompanying it, and they now again recommend the passage of said bill.

Respectfully,

HOWERTON,

One of the committee.

ENGROSSED BILLS.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed "a bill to be entitled an act to authorize the commissioner of the General Land Office to cancel patent No. 815, vol. 8, &c.;" report adopted.

ENROLLED BILLS.

Mr. Locke, Chairman of the committee on Enrolled Bills, reported correctly enrolled "a bill to incorporate the Casino Association of San Antonio;" report accepted.

On motion of Mr. Hart, the following Senate bills were taken up and referred to their appropriate committees, viz:

"A bill to be entitled an act for the relief of William H. Ray;" read first and second times, and referred to the committee on Private Land Claims.

"A bill to be entitled an act to legalize the location of the county seat of Live Oak county;" read first and second times and referred to the committee on County Boundaries.

"A bill to be entitled an act supplementary to and amendatory of an act to regulate railroad companies, approved February 7th, 1853;" read first and second times and referred to the committee on the Judiciary.

"A bill to be entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railway Company;" read first

and second times, and referred to the committee on Internal Improvements.

"A bill to be entitled an act for the relief of John McLaughlin ;" read first and second times, and referred to the committee on Private Land Claims.

"A bill to be entitled an act for the relief of Samuel McCulloch ;" read first and second times, and referred to the committee on Private Land Claims.

"A bill to be entitled an act to provide for boring Artesian wells between the Nueces and Rio Grande rivers ;" read first and second times, and referred to the committee on Internal Improvements. And

A joint resolution, ratifying the action of the Governor in calling into service a company of militia for the protection of certain citizens, and to provide for the continuation in service and pay of said company ;" read first and second times, and indefinitely postponed on motion of Mr. Hart.

BILLS AND RESOLUTIONS.

Mr. Higgins introduced "a bill to legalize certain surveys lying between the waters of the Colorado and Brazos rivers ;" read first and second times, and referred to the committee on Public Lands.

Mr. Hart offered the following resolution, which was adopted :

Resolved, That the Speaker of this House appoint a select committee of three members, whose duty it shall be to call on the Secretary of State and inquire the cause of the great delay in delivering to the several counties of the State the laws passed by the sixth Legislature, and who was the defaulting party, and report the same to this House for its information.

Mr. Mills introduced "a bill to be entitled an act to redeem real estate and slaves sold under execution," &c., &c.; read first and second times, and referred to the committee on the Judiciary.

Mr. Walling offered the following resolution, which was adopted.

Be it *Resolved*, That the committee on the Judiciary examine into the present Law, and see if jurors, called out to attend Justices' courts, are paid for their services or not, and if they are not, report a bill entitling them to pay.

Mr. Burnett introduced a bill to be entitled an act to legiti-

mate Newton Cain, a minor, and son of Martha Cain, deceased;" read first and second times, and referred to the committee on the Judiciary.

Mr. Price offered the following resolution, which was adopted.

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the law regulating proceedings in the District Court, as to make it incumbent upon Judges of said Courts to discharge Petit juries, when it is ascertained that said Juries cannot agree upon a verdict, and report by bill or otherwise.

Mr. Hardin introduced "a bill to be entitled an act to amend an act to regulate the licence and practice of attorneys and counselors at law, approved May 12th, 1846;" read first and second times, and referred to the committee on the Judiciary.

Mr. Crawford, Chairman of the committee on Engrossed Bills, reported correctly engrossed "a bill to be entitled an act for quieting the title to real estate in the city of Austin." Report accepted.

On motion of Mr. Rainey, Mr. Parks, sergeant-at-arms, was excused from attendance on the House, on account of indisposition.

ORDERS OF THE DAY.

On motion the orders of the day, and business on the Speaker's table taken up as follows:

An act for the relief of Abel Morgan, with report of committee on Claims and Accounts, recommending an amendment, taken up, report and amendment adopted, and bill ordered to be engrossed—rule suspended, read third time and passed.

A bill for the relief of pre-emption settlers, with report and substitute from committee on Public Lands, taken up and substitute adopted.

Mr. Chilton offered the following amendment, "amend by adding after the words "their own oath" "provided, two witnesses whose respectability shall be attested by the Chief Justice of the county shall make oath that the claimant is a person of good moral character and worthy of belief."

Mr. Howerton moved to lay the amendment on the table; lost.

On motion of Mr. Hart, the bill and amendments recommended to committee on Public Lands.

A report from the committee on the Penitentiary asking further time to report, relative to leasing that Institution taken up and adopted.

A bill making certain parties Plaintiffs to suits, with a report from committee on Judiciary asking to be discharged from its further consideration, taken up and report adopted.

A bill to be entitled an act concerning County Commissioners of the several counties of this State, taken up.

Mr. Wood moved to amend by excluding Leon county from the provisions of the bill; carried.

Mr. Reeves moved to exclude Grayson county; carried.

Mr. Edwards moved to exclude Harris county; carried.

Mr. Kinney moved to exclude the counties of Live Oak, San Patricio, Nueces Refugio, and Bexar District; carried.

Mr. Witt moved to exclude Dallas county; carried.

Mr. Latham moved to exclude the counties of Cameron, Hidalgo, Bowie, Jackson and Calhoun; carried.

Mr. Hart offered the following amendment "provided that precinct lines shall be observed in said division"—laid on table.

Mr. Lesueur moved to lay the bill and amendments on table, the yeas and nays being demanded the House refused to lay on the table by a vote of 38 yeas to 41 nays.

On motion of Mr. Rainey, the bill and amendments re-referred to committee on State Affairs.

The hour having arrived the special order of the day was taken up, viz:

A bill to be entitled an act to provide for a Geological and Agricultural survey of the State.

Mr. Bee moved to take up a Senate's bill for the same purpose.

On motion of Mr. Kittrell both bills were referred to the committee on State Affairs.

A bill to be entitled an act to organize the county of Presidio, read third time and passed.

A bill to be entitled an act to incorporate the Richmond Masonic Hall Association in Fort Bend county, read third time and passed by a two-third vote.

A bill to be entitled an act for the relief of Zippon Whiteside, and the heirs of Henry Whiteside, read third time and passed.

A bill to be entitled an act for the relief of Louisa Warren: read third time and passed.

A bill to be entitled an act to incorporate Colorado College; read third time and re-referred to the committee on Education.

A bill to be entitled an act to incorporate the town of Weatherford; read third time and passed by a two third vote.

A bill to be entitled an act to regulate the pay of Grand and Petit Jurors in the county of Smith, read third time and passed.

A petition for the relief Wilson Ward: the report of the committee on Private Land Claims was adopted recommending the rejection of the petition.

A bill to be entitled an act for the relief of Goodwin Killian—engrossed, and on motion of Mr. Chilton the rule was suspended, bill read third time and passed.

A bill for the relief of the heirs of William Greer—Engrossed, and on motion of Mr. Brown rule suspended, read third time and passed.

A bill for the relief of the heirs of Martin Winne—Engrossed, and on motion of Mr. Hart rule suspended, read third time and passed.

A bill for the relief of the heirs of Jesse Boykin ordered to be engrossed, and on motion of Mr. Buckley the rule was suspended, read third time and passed.

A bill to be entitled an act requiring forced sales of real estate and slaves to be advertised in newspapers, with minority and majority reports from the committee on the Judiciary, taken up.

Mr. Jennings moved to adopt the minority report.

A message was received from the Senate announcing to the House that the Senate had refused to recede from its amendment to the House bill for the payment of a volunteer company called into service by the Governor—and had appointed Messrs McCulloch, Burroughs and Paschal a committee of conference on the part of the Senate, and requested a like committee to be appointed on the part of the House.

On motion of Mr. Brown, the house appointed Messrs Crawford, Hart and Hicks a committee to act as committee of conference on part of the House, relative to the disagreement of the two Houses above named.

The following message from the Governor, was taken from the Speaker's table on motion of Mr. Wood and referred to a committee consisting of members from 21st District.

EXECUTIVE OFFICE, }
AUSTIN, December 7, 1856. }

Gentlemen of the Senate

and of the House of Representatives :

I have just received the resignation of Hon. E. M. Millican, as Senator for the 21st District composed of the counties of Leon, Robertson, Brazos and Burleson.

Owing to the uncertainty and delay attending the transmission of letters by mail at this season of the year, some thirty-five or forty days must elapse before an election can be held, and the member elect receive his certificate, as it requires at least twenty five days to hold the election and open and count the returns, and give the certificate after order for the election shall have been received by the several Chief Justices.

I would therefore suggest the propriety of your passing a law, directing the election to be held after five days notice in the different counties; and allowing three days after the election for the returns of each county to be made to the Chief Justice there, and eight days after the election for the returns of the different counties, to be made to the Chief Justice of Robertson county, who is the officer authorized to receive the returns and give the certificate of election for the District.

The same law might authorize the order of election to be sent by a special messenger.

If this were done the vacancy might be filled in about twenty days.

E. M. PEASE.

On motion, the House adjourned until 9 1-2 o'clock, A. M., to-morrow; pending, Mr. Jennings motion to adopt the minority report of the Judiciary relative to advertising forced sales of real estate and negroes in newspapers.

AUSTIN, December 8th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

On motion of Mr. Lee, Mr. Higgins was excused from attendance on the House until Monday next.

Mr. Cooley presented the petitions of the citizens of Llano county; referred to committee on Counties and County Boundaries.

Mr. Kittrell presented the petition of S. K. Jennings ; referred to committee on Education.

REPORT OF STANDING COMMITTEES.

Mr. Wood, one of the Judiciary committee, reported as follows :

To Hon. W. M. S. TAYLOR,

Speaker of the House of Representatives:

The Judiciary committee have had under consideration a bill to regulate the proceedings in the Supreme Court, and are of opinion that the object of the bill, viz : to prevent the Supreme Court from rendering a Judgment for damages in any case, is impolitic and improper. The committee report unfavorably upon said bill and ask to be discharged from its further consideration ; adopted.

Mr. Poag, one of the same committee, reported as follows:

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The Judiciary committee have had under consideration a bill from the Senate to prolong the time of holding the regular quarterly terms of the County Courts, for the transaction of County business, together with the House substitute therefor, and direct me to report that in the opinion of the committee the laws now in force upon the subject to which said bill referred, needs no amendment ; wherefore, the bill and substitute are returned to the House and their rejection recommended ; report adopted.

Mr. Price, from same committee, reported as follows :

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The Judiciary committee to whom was referred a bill to regulate or provide for the trial of Jury cases, have had the same under consideration, and after a very full and patient examination of the proposed change in the existing laws regulating trial by juries, are of opinion that the law as it now stands upon the Statute Books, is infinitely preferable to the proposed enactment, and therefore instruct me to report the bill back to the House and recommend its indefinite postponement, all of which is respectfully submitted ; report adopted.

Also,

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The Judiciary committee have examined a petition of the citizens of Nacogdoches county, for the passage of a law authorizing the Clerk of the District Court of said county to transcribe certain records, and report the accompanying bill and recommend its passage; report received and bill read first time.

Mr. Wood, Chairman of a Special committee, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Special Committee to whom was referred the Message of the Governor relative to the resignation of Hon. E. M. Millican, Senator from the 21st District, have had the same under consideration, and beg leave to report, that in consequence of the general uncertainty of the mails and the great probability of mail communication being delayed at this season of the year, by high water, no order of election could be transmitted to the counties composing this District and the returns made, under the general election law of the State, short of 40 days. By this time the present Session of the Legislature would be near its close, and the people of the 21st District, in a great measure, deprived of the benefit and right of representation on the floor of the Senate chamber—a deprivation which should not be inflicted provided it can reasonably be avoided.

The only possible and certain remedy to obviate the delay that would occur under the general election law, is the one suggested by the Governor. A special messenger with the order of election, can reach the most distant county in the District in seven days. The committee believe that five days prior notice of the election would be sufficient. Two days to make the returns to the Chief Justices, and eight days thereafter for the Chief Justices of the counties of Burleson, Brazos, and Leon, to make the returns of their respective counties to the Chief Justice of Robertson county would be ample. It will thus be seen that but fifteen days need elapse after the ordering of the election in the several counties, before the certificates may be issued to the successful candidate, which will be a saving of at least twenty-five days, a matter the committee consider of vital importance. that the people of the 21st District to be represented by a Senator, the expense of sending a special messenger with the order of election will be trifling—en-

tirely so, when it is considered necessary to secure a Senatorial representation to one of the most populous Districts in the State. The committee have embodied the foregoing suggestions in a bill which they herewith report and unanimously recommend its immediate passage.

WM. D. WOOD,
Chairman of Committee.

Report received and bill read first time. The rule was suspended and the report and bill taken up and bill read second time.

Mr. Hart proposed to amend by striking out "Special Messenger" in 2nd Section ; laid on the table and bill ordered to be engrossed ; the rule was further suspended, bill read third time and passed.

Mr. Lee, one of the Judiciary committee, reported as follows:
Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The Judiciary committee have examined a bill to amend the 2nd Section of an act to authorize the settlement of disputes by conciliation or arbitration passed April 25th, 1846, and report that the ammendment is very slight and immaterial. The committee deem it impolitic to amend the existing laws, unless some salutary benefit is obtained thereby ; they therefore ask the indefinite postponement of the bill ; report adopted.

A message was received from the Senate announcing to the House the passage, by the Senate, of the following bills :

A bill originating in the House, to amend the 2nd Section of an act to amend the 2nd Section of an act to amend the 2nd and 7th Sections of an act to organize the Supreme Court of the State of Texas, approved November 30th, 1850, and approved February 13th, 1854 ; also the following bills originating in the Senate :

A bill for the relief of Jacob Long.

A bill for the relief of Geo. R. Rains,

A bill to incorporate the Texas Life, Fire and Marine Insurance Company of the city of Galveston.

A bill to permit free persons of African descent to select their own masters and become slaves.

A bill donating 320 acres of land to Palo Pinto county.

A bill to incorporate the Texas Baptists' Publication Association.

embracing two 320 acre tracts or half sections, which she had designated, but when said Commissioner made his return, he did not state the fact that Helena was entitled to the specific land named in his certificate, although he marked it in the margin of his report as having been selected, but by whom he failed to state. Subsequently two other persons made selections

A bill to incorporate the Alamo Rifles.

A bill authorizing the Governor to order out Mounted Volunteers on the South-Western Frontier.

A bill concerning bills of Exchange.

A bill to consolidate into one and amend the several acts incorporating the town of Rusk in Cherokee county.

Mr. Howerton, one of the committee on Private Land Claims made the following reports :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The Committee on Private Land Claims, to whom was referred the petition of Elizabeth Rice, having had the same under consideration and after maturely considering the said petition together with the proof accompanying the same, have instructed the undersigned to report :

That they are unanimously of opinion that petitioner is entitled to the relief sought. That petitioner emigrated to the State of Texas, (then the Republic) prior to the 1st January, A. D., 1842, was then a widow and head of a family, that her name was Elizabeth White, subsequently however, she intermarried with Rice, her last husband who has since departed this life. That petitioner has ever since her emigration to the Republic, now State of Texas, here remained.— That she has never, nor has her husband Rice, since her marriage with him, received any land from the State or Republic of Texas. That she is a lady in moderate circumstances and has a family on her hands to support. The facts considered which have been proven by the oath of petitioner, by two respectable witnesses and a member of this House, the Committee, as aforesaid, have unanimously agreed that she is entitled to the relief sought, and therefore have instructed the undersigned to report the said petition back to this House with the accompanying bill, and recommend its passage ; report received and bill read first time.

Mr. Howerton also made the following report :

The Committee on Private Land Claims, to whom was re-

ferred the Senate bill for the relief of Helena Eggeling, have had the same under consideration, and after making a thorough examination of the facts, are of opinion that the bill ought to pass: the facts are these:

Wm. F. Evans, Commissioner for Fisher & Miller's Colony, issued to said Helena Eggeling, a certificate of 640 acres of land, of these two half sections, and they have been returned to the Land Office. In view of these facts the committee were unanimously of the opinion as stated above, the bill ought to pass and therefore instructed the undersigned to report the same back to this House and recommend its speedy passage; report received.

Mr. Murrah, Chairman of the Committee on Federal Relations, made the following report:

COMMITTEE ROOM, }
DECEMBER 8th, 1857. }

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The Committee on Federal Relations to whom was referred the consideration of a Joint Resolution requesting our Senators and Representatives in Congress, to urge upon the Federal Government the negotiation of treaty stipulations for the surrender of fugitive slaves and fugitives from justice, have considered the same and report back, as a substitute, a preamble and resolutions, and recommend their passage. The committee deem this not a matter of form, but a matter of great importance to our State, and they believe that the necessity of such a treaty ought to be earnestly urged upon the attention of the Federal Government. The contiguity of a long line of our Territory with that of Mexico, renders easy and frequent the escape from our borders, not only of criminals, but slaves, and the capture and return of the criminal and the slave, as our relations now are with Mexico, is out of the question. This state of things, not only subjects our citizens to the loss of slave property, but this loss must increase, and this source of annoyance become greater as our population with their slaves flow Westward in search of homes and land; and this state of things must necessarily in time, render slaves upon the borders of Mexico restless and disobedient, and create disturbances between our citizens and Mexicans who come in contact with each other upon the line that separates the two Governments. But our citizens are not only subject to this loss and annoyance in

connection with their slaves, but the facility with which criminals escape into Mexico, encourages the commission of crime, and subject our citizens and country to all the evils and dangers incident thereto ; while we have not the power to bring the offender to justice, however foul with crime may be his hands, and however much the community may suffer and grieve from his lawlessness. The fugitive, in violation of our law, may cross our western line, stand within sight of our tribunals of justice, mock at those whom he has injured ; while his pursuer—the officer of a violated law—is compelled in shame to say : “ Thus far only I go, and no farther.” Humanity and morality demand a different state of things—it is too late in the day of matured and individual reform, for this evil longer to exist. It may be remarked that as to the surrender of fugitive slaves, that regulations for this purpose, at present, are not to be hoped for, yet the effort should be made and continue to be made. It is understood that the present Constitution of Mexico forbids the surrender of slaves, but judging from the past history of that Government, to conclude that the Constitution and laws, that she now recognises, may soon be disregarded by her, would be to declare that the past is an index to her future.

As to the surrender of criminals, this may be considered practical. Treaty stipulations for this object, are common among civilized nations, and our Government has already entered into treaties of this character with some other nations, and put them in practice. The necessity for a treaty with Mexico confined to this object, will be admitted, when we recollect that our population is constantly pressing upon that country, and becoming more dense upon her borders. It is certainly a terror to the evil doer to know that the frowns of the civilized world are upon him ; that its laws are interested in his punishment ; that its officers may pursue him in order to bring him to justice whithersoever he may go ; that the voice of the law—violated by him—crying out for his punishment—is echoed back from the corner of the earth in which he may hide himself. These considerations have caused our Government and others to enter into agreements for the mutual surrender of criminals, and the same considerations ought to lead to a similar agreement with Mexico.

P. MURRAH,

Chairman of Committee on Federal Relations.

JOINT RESOLUTION.

WHEREAS, the escape of fugitive slaves and fugitives from justice, from our borders, is rendered easy and frequent, owing to the contiguity of our Territory with that of Mexico ; and whereas, the capture and return of both classes of said fugitives, is impracticable and impossible, as our relations with that Government, in this respect, now stand ; and whereas, the facts not only encourage the commission of crime and the violation of law, and subjects our community to the evils incident thereto, but also, to frequent and great losses in slave property ; therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That our Senators and Representatives in Congress be requested to urge upon the Federal Government, not as a matter of form, but of necessity and justice to us, the negotiation of treaty stipulations with Mexico, for the surrender on the part of that Government, of fugitive slaves and fugitives from justice, when demanded by the authority of our Government.

SEC. 2. That His Excellency the Governor be requested to transmit to our Senators and Representatives in Congress a copy of this Preamble and Joint Resolutions.

Report received and resolution read first time.

On motion of Mr. Crawford, 500 copies of the report and resolution ordered to be printed.

Mr. Chilton, Chairman of the Committee on Finance reported, recommending the passage of a Senate bill to change and provide for a uniform time for terminating the fiscal year of the several offices of the State Government ; report received.

On motion of Mr. Brown, the rule was suspended and the report taken up and adopted ; and bill passed to a third reading ; rule further suspended, bill read third time and passed.

Mr. Chilton, also reported as follows :

The Finance Committee, have had under consideration a bill supplemental to and amendatory of an act to provide for the Collector and Assessors of Taxes, passed February 12th 1850, and recommend the indefinite postponement of the same ; report received and adopted.

Further, said Committee to whom was referred a resolution, from Judiciary Committee, instructing said Committee, to inquire into the expediency of amending the several laws of this

State regulating the duties of Assessors and Collectors, and to report by bill or otherwise have had the same under consideration and being impressed with the belief that it is an unwise policy to indulge in too frequent changes in laws which are intended to effect the rights of the citizens of our State unless the necessity of such changes are imperative, and believing that the laws now regulating the duties of Assessors and Collectors are amply sufficient for the purpose intended to be accomplished thereby, the Committee instruct me to report said resolution back to the House and recommend the indefinite postponement of the same ; report adopted.

Mr. Aycock, Chairman of Committee on Public Lands, reported as follows :

The Committee on Public Lands have examined a bill to repeal a portion of the 10th, section of the act of February 10th 1852, relating to lands in Peters' Colony, and to prohibit patenting upon certificates issued under the provisions of sections of said act, and report :

That the bill as drawn appears to embrace two objects, and would probably be unconstitutional on that account. Your Committee have supposed said bill intended to carry out the recommendations of His Excellency, in his message, transmitting the report of the Commissioner appointed to investigate the facts in relation to the illegal issue of certificates for lands within the limits of Peters' Colony.

In the sense of your Committee, measures ought to be taken at an early day to suppress the deplorable frauds developed by the report of that Commissioner, and herewith report two bills for that purpose and recommend their passage ; report received.

On motion of Mr. Reeves, the rule was suspended and report and bills taken up and a bill to be entitled an act to prohibit the location, survey and patenting of certain certificates issued under the provisions of the act of February 10th, 1852, entitled an act relating to lands in Peters' Colony, (the substitute of the Committee) adopted and ordered to be Engrossed.

Also, on motion of Mr. Reeves, a bill to be entitled an act to repeal a portion of the act of February 10th, 1852, entitled an act in relation to lands in Peters' Colony, (substitute of Committee) taken up and adopted, and ordered to be Engrossed ; rule further suspended, read third time and passed.

Mr. Aycock, also reported as follows :

The Committee on Public Lands to whom was referred a

bill granting further time to pre-emptionists, in which to return their field notes, together with sundry papers; have had the same under consideration and instruct me to report the bill herewith submitted and recommend its passage; report received.

Mr. Brown made the following report:

The Committee on Counties and County Boundaries have examined a bill to make valid the official acts of the County officers of Jack County, and change the name and permanently locate the County seat of said County, and approve the objects sought by the bill; but as it clearly embraces two distinct objects, the Committee instruct me to report the two accompanying bills, as substitutes for the original, and recommend their passage; report received.

Also, the Committee on Counties and County Boundaries, to whom was referred the House bill and Senate's substitute therefore, permanently to locate the seat of justice of Angelina County, have examined into the facts of the case and from the information before them, find that under an act of the last Legislature, a large majority of the Electors of the County voted for the centre of the same as the future seat of Justice; and now a very large majority petition to have said centre, under the name of Angelina, legalized as the County seat.

This healing act is necessary, because there was a mistake in the name of one of the Commissioners, who acted under the last law, in laying out the town. For what reason the Senate passed a substitute declaring Jonesville, a different place, the county seat, the committee are not informed; but believing the original action of the House was right, expedient, and in accordance with the expressed will of the county, they instruct me to return the two bills to the House, and recommend that the House refuse to adopt the substitute of the Senate and adhere to the original bill. Report received.

Mr. Brown, from the same committee, also reported, recommending the passage of a bill to legalize the county seat of Live Oak county; report received.

Mr. Gaston, one of the committee on Private Land Claims, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Private Land Claims, to whom was referred the Senate bill for the relief of John McLaughlin, have

examined the same, and report it back to the House and recommend its passage.

The committee find from the testimony, that the claimant settled upon and improved 320 acres of land, embraced in survey No. 216, and complied with all the provisions of the pre-emption act granting to settlers on public domain 320 acres of land. That he obtained his certificate from the clerk of the county court of Hopkins county, and fully complied with the law. They further find that claimant's house was burned in December, 1854; together with all his papers, including his pre-emption certificate, &c., to the said land; and that the law requiring field-notes, &c., to be returned to the General Land Office by the first day of January, 1855, could not be complied with in consequence of the burning of his House and papers. Report received.

Mr. Hart moved a suspension of the rule, in order to take up the bill just reported; lost.

Mr. Kirk, one of the committee on Private Land Claims, reported as follows:

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the Senate's bill for the relief of William H. Ray, have had the same under consideration, and after a thorough investigation of the evidence presented, are unanimously of the opinion that the relief sought for by said Ray is of a meritorious character, and should be granted, and have instructed me to report it back and recommend its passage. All of which is herewith respectfully submitted. Report received.

Mr. Hardin, one of the committee on Private Land Claims, reported as follows:

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

Your committee on Private Land Claims, to whom was referred a bill to be entitled an act authorizing the Commissioner of the General Land Office to issue a patent on a certain certificate therein named, have duly considered the same, and find that the applicant for relief married in this State in 1841, having previous to his marriage received a certificate for 320 acres of land; that after his marriage he applied to the board of land commissioners of his county and received an augmentation of 320 acres, under the law granting headrights of 640

acres to heads of families immigrating to the State up to 1842, which said augmentation the Commissioner of Claims refuses to approve. In view of all the facts, I am instructed to report the bill back to the House and recommend its speedy passage. Report received.

Mr. Wood, one of the Committee on Private Land Claims, made the following report:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the petition of Thomas Cochrane, have had the same under consideration, and find the facts of the case to be these: Said Cochrane entered the service of Texas as a member of Capt. Mosely Baker's company, on the 29th day of February, 1836, and served until the 29th of May following, when he was honorably discharged. The committee believe that petitioner is entitled to relief, and they report the accompanying bill and unanimously recommend its passage.

Report received and bill read first time.

Mr. Rainey, chairman of committee on Internal Improvements, reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Internal Improvements, to whom was referred a bill entitled an act for the relief of the Sabine and Galveston Bay Railroad and Lumber Company, have had the same under consideration, and instructed me to report the accompanying bill back to the House and recommend its passage.

Your committee were prompted to recommend the extension as sought by said bill, by the consideration that said company was chartered at the summer session of the last Legislature; that the pecuniary prostration which followed the recent money crisis, and which has seriously impeded the progress of all the internal improvement enterprises of the country, has been visited with extreme severity upon this company, rendering it impossible under the circumstances for the conditions of the original charter to be literally complied with.

It is the opinion of the committee that this enterprise is of the utmost importance to the State, connecting, as it does, the most important railroads of our State with the New Orleans and Opelousas road, and thereby giving us the facilities of

transportation to the commercial emporium of the South, and establishing a social, political and commercial intercourse with the older States of the Union. Therefore, your committee have deemed it not impolitic to grant the indulgence as solicited by said company.

Report received and bill read first time.

A message was received from the Senate, announcing to the House that the Senate had appointed Messrs. Pirkey and Martin, from the Senate, to act with the committee of the House to make arrangement for the inauguration of the Governor and Lieutenant Governor elect; and that the Senate had adopted the report of the committee of Conference on the Senate's amendment to the House bill for the payment of the volunteer company called into service by the Governor.

Mr. Locke, one of the committee on Roads, Bridges and Ferries, reported a bill to incorporate the Navisoto Turnpike and Toll Bridge Company—recommended its passage.

Report received and bill read first time.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed a joint resolution requesting the Attorney General to discontinue the suits now pending in the District Court of Travis county, against the Commissioners and Superintendent of the State Capitol. Report accepted.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval, a bill to create the county of Bee, in honor of the honorable Barnard E. Bee, and attach it to the 14th Judicial District. Report Accepted.

Mr. Bee, chairman of committee on State Affairs, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives,

The committee on State Affairs have examined an act amendatory of an act to incorporate the town of Waco, and instruct me to report, that the bill contemplates vesting the power to issue license to retail spirituous liquors in the town of Waco in the corporate authorities of said town, under such conditions as said authority may prescribe. The bill also provides, that upon the application of any twenty householders, in the town of Waco, an election shall be held to determine whether license shall be granted at all; and if a majority shall vote against license, then no liquor shall be sold within the

limits of the corporation. This bill emanated from a public meeting held at Waco, and was unanimously endorsed as their wishes in the premises.

The committee have also examined a counter petition, signed by many citizens of Waco, protesting against the passage of the above recited act, and are of opinion that the Legislature should not legislate in local cases, where general laws are in existence on the same subject, nor is the committee satisfied that the evil sought to be avoided would be reached by the measure under consideration; they therefore return the bill to the House with the recommendation that it do not pass. Report adopted.

Mr. Dennis, one of the Judiciary committee, reported, recommending the passage of a bill to provide for entering satisfaction of Mortgages and Deeds of Trust, report received.

Mr. Joseph, of the same committee, reported:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred the petition of Adam M. Rogers, and accompanying bill, asking the Legislature to change the name of James M. Anderson, an illegitimate son of petitioner, to James M. Rogers, and to constitute him the legal heir of said petitioner, have had the same under consideration, and instruct me to report: That the especial legislation sought by petitioner is unnecessary, as the following general laws of the State fully and amply provide for the attainment of the objects sought by petitioner. These laws are: An act passed 6th January, 1850, entitled an act to prescribe the mode of adoption; and an act entitled an act providing a remedy for persons wishing to change their christian and sir names, or either, and to adopt another instead thereof, approved 5th February, 1856; and an act passed July 24th, 1856, entitled an act supplemental to the act of January 28th, 1840, concerning Wills, and authorizing persons to dispose of their estates by Wills.

Under the provisions of these laws, the petitioner can adopt said James M. Anderson and change his name, and constitute him, if he so desires, the legatee of his estate. By reason whereof your committee recommend the rejection of said petition and bill, and ask to be discharged from its consideration. Report adopted.

Mr. Crawford, chairman of the House committee of Con-

ference, on the disagreement between the two houses, on the Senate amendment to a House bill to pay a company of Volunteers, called into service by the Governor, for the protection of cartmen between San Antonio and the Gulf, made the following report :

Hon. H. R. RUNNELS,

President of the Senate,

And Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

Your committee of Conference, appointed by the two houses, to take into consideration the matter of difference between them in relation to the Senate's amendment to a House bill to provide for the payment of a company of mounted volunteers, called into service by the Governor, for the protection of those engaged in transporting goods and merchandize over the road, from San Antonio to the Gulf, have had the same under consideration, and a majority of the committee direct us to report the accompanying substitute for the Senate's amendment, and recommend its adoption.

H. E. McCULLOCH,

Chairman on part of Senate.

JNO. C. CRAWFORD,

Chairman on part of House.

Mr. Hart made the following minority report on the same subject :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee of Conference, appointed by order of this House, to meet a like committee on the part of the Senate, in relation to the Senate's amendment to the House's bill to authorize the Governor to retain in service the troops called out to suppress insurrection, have met and performed that duty, and a majority of said committee have agreed that the House should accept the amendment; but one of said committee, with due deference to the opinion of the balance of said committee, could not agree to the same, and therefore begs leave to submit this, his minority report :

The only alteration made in said amendment was, that the Governor should exercise his discretion in keeping in service a company, or so many thereof as he might deem advisable. This is no material alteration from the amendment as origi-

nally proposed; therefore the House is called on to recede from an opinion, twice deliberately expressed, without any new lights or reasons for the same. In this no compromise was offered—it is either to yield or stand firm; and as a minority of said committee, I see no good reasons that we should abandon our former decision, so decidedly expressed, and therefore report adversely to the action of a majority of said committee.

Mr. Crawford moved to adopt the report of the majority of said committee.

Mr. Locke, chairman of the committee on Enrolled Bills, reported as follows:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined a bill entitled an act to adjust the boundaries of the counties of Goliad, San Patricio and Nueces, and they find the enrolled bill to be a true transcript of the engrossed bill; but neither of the two bills have any enacting clause. The committee have therefore had the deficiency supplied in the bill, and report the same correctly enrolled, properly signed, and this day presented to the Governor for approval.

On motion of Mr. Chilton, the action of the committee was ratified, and report accepted.

On motion, the House adjourned until 9½ o'clock, A. M., tomorrow—pending Mr. Crawford's motion to adopt the report of the majority of committee of Conference.

AUSTIN, DEC. 9TH, 1857.

House met pursuant to adjournment—roll called—quorum present. Journal of yesterday read and adopted.

The Speaker announced Messrs. Hart, Bee, and Aycock, a committee in accordance with Mr. Hart's resolution requiring the appointment of a committee to enquire into the delay in distributing the laws passed by the 6th Legislature; also, Messrs. Browne, Locke and Burks, a committee to make preparations for inaugurating the Governor and Lt. Governor elect.

Mr. Munson presented the petition of Horatio Grooms—Referred to Committee on Claims and Accounts.

REPORTS OF STANDING COMMITTEES.

Mr. Price, one of the Judiciary Committee, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The Committee on the Judiciary, to whom was referred a bill to be entitled an "act, to amend the 31st section of an act to organize Justices' Courts, and to define the powers and jurisdiction of the same," have had said proposed amendment under consideration, and instruct me to report as follows, to wit :

The thirty-first section of the act organizing Justices' Courts approved March 20th, 1848, provides that the service of all process issuing from Justices of the Peace shall be made by *leaving with the defendant* a copy thereof. The bill under consideration proposes to amend the law as it now stands by authorizing service to be made by simply *leaving* a copy of the process at the *residence* of the defendant. This your committee believe to be a radical and dangerous innovation upon a long tried and much approbated mode of service, which results in direct and personal notice to the defendant, and which, per consequence closes the door against a vast amount of fraud and oppression. To secure the administration of even-handed and impartial justice, should be the great and controlling object of the law, and to attain this end with certainty, and give to plaintiff and defendant an equal opportunity of asserting their rights, there should, in the estimation of your committee, be direct and personal service, except in cases already provided for by law.

The committee, therefore, instruct me to report back the aforesaid bill, and to recommend its rejection ; all of which is respectfully submitted.

L. F. PRICE,

One of the Committee.

Report taken up and adopted.

Mr. Wood, one of the Judiciary Committee, reported that the Judiciary Committee had examined a resolution directing an inquiry into the expediency of the passage of a law, furnishing the several District Judges of the State with the decisions of the Supreme Court, and report unfavorably to the passage of such a law, and ask to be discharged from its further consideration. Report adopted.

Also, that the Judiciary Committee had had under consideration a bill to amend an act to organize Justices Courts, and to define the powers and jurisdiction of the same, and report unfavorably upon the same. The bill provides that the time for the return of executions issued from Courts of Justice of the Peace, shall be extended to 12 months. The Committee consider that 60 days, the time now provided for the return of said executions, amply sufficient, and ask to be discharged from the further consideration of the bill; report adopted.

Mr. Hicks, one of the Judiciary Committee reported as follows:

The Judiciary Committee, to whom was referred the petition of sundry citizens of the county of Falls, asking that authority be given to the Clerk of the County Court, to transcribe the records of the Probate Court in a well bound book, and that said copy should have the force and effect of the original records. The Committee have examined the same, and recommend a favorable report, and the passage of the accompanying bill; report received, and bill read 1st time.

Mr. Kittrell, Chairman of Committee on Education reported as follows:

The Committee on Education, to whom was referred a bill to be entitled an act to incorporate Colorado College, have again carefully examined the said bill, and have directed me to say that they deem the bill a simple act of incorporation, not varying in any essential particulars from such acts passed by the Legislature at several preceding sessions.

We think that the provisions of the 11th section sufficiently guards the institution from any improper sectarian influence. But in order to meet the objections which were urged against the measure, and caused its re-reference, they have instructed me to report the bill back to the House with the following amendment, and to recommend its passage. Amend, by striking out the word "shall" in the 3d line of the 3d section and insert the word "may;" report received.

On motion of Mr. Kittrell the rule was suspended and the report and bill taken up.

Mr. Everett moved to re-commit the bill to a select committee.

Mr. Tait moved to lay the motion to recommit on the table.—lost.

Mr. Brown proposed to amend last section by adding,

"Provided that this provision ~~shall~~ not be construed to con-

fer or revive any right to land which may have been forfeited by Herman University to the State, nor to affect any such right to which said College may be legally entitled; adopted. On motion of Mr. Tait the amendment recommended by the Committee was laid on the table.

The question then recurring upon the passage of the bill, the same was put and the bill passed by a two-third vote.

Mr. Kittrell also reported as follows:

The Committee on Education to whom was referred the resolution instructing them to enquire into the expediency of setting apart one or more additional leagues of land to counties of the State for school purposes, have instructed me to say that they deem the amount of land (say near 500 leagues) now set apart under the 3d Article, 10th section of the Constitution, for the purposes indicated in the resolution of inquiry, as a munificent endowment, which too, will be continually increasing, as new counties are created. That owing to the constitutional *inhibition* which ties up those lands, they are unavailable, and they deem it bad policy to divert the public domain from active purposes, by adding it to an unavailable fund, now already sufficiently large. They ask to be discharged from the further consideration of the subject; report adopted.

Mr. Kittrell also reported as follows:

AUSTIN, DEC. 9th, 1857.

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The Committee on Education to whom was referred the Report of the Trustees of the Institution for the Education of the Deaf and Dumb, have had the same under consideration, and have imposed on me the pleasing duty of expressing their sincere gratification at the progress and success of said institution as indicated by the report of the Trustees, and more especially by the unusually interesting exhibition of the pupils of the school in this Hall a few nights since, under the management and direction of their polite and accomplished teacher, Mr. Van Nostrand and his worthy assistant, Mr. Clarke, a deaf mute.

Your committee are of the opinion that the evidences furnished the unusually large and delighted audience by the exhibition above alluded to, as to the practicability and success of this great scheme, shows it to be benevolence not misplaced, and furnishes just reasons for the continuance of a policy, so

humane and enlightened, and fraught with benefits and blessings so incalculable to that unfortunate class of our community who are its immediate beneficiaries.

Your committee would further state, that a portion of them have visited the institution in person, have witnessed there the mode of instruction in the school room, the manner and deportment of the pupils, the system and management of the whole concern, and they take pleasure in saying that everything indicates a thorough knowledge not only of the method of teaching necessary in such an institution, but of its general supervision, and we therefore can but deem it truly fortunate for the State, and the success of this enterprize, that the Trustees were able to secure the services of one so well qualified as Mr. Van Nostrand.

Under these circumstances your committee have no hesitation in recommending a continuance of this institution, and would bespeak for it the liberality of the Legislature, in making such appropriations for its maintenance as will ensure its permanent prosperity, and make it the happy instrument in imparting the benefits and blessings of education to every unfortunate "deaf mute" that may now or ever be found within the limits of our State.

Your committee will, in another report, in answer to a resolution of enquiry as to the manner in which the appropriation made at the last session of the Legislature, for the establishment and support of this institution has been used, state all the facts connected with that branch of the subject.

Respectfully,

P. W. KITTRELL, Chairman.

Report adopted.

A message was received from the Senate announcing to the House the passage of the following bills, originating in the House :

A bill to provide for the special election of a Senator, in the 21st District, to fill the vacancy caused by the resignation of Hon. E. M. Millican.

A bill to change the name of Leander Milton Neally to Leander Milton Stone.

A bill to admit Wm. H. Burkhart to practice law in the Courts of this State.

A bill to authorize the Clerk of the District Court of Fayette county to transcribe certain records therein named.

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A bill to authorize the Clerk of the County Court of Fayette county to transcribe certain records therein named.

And a bill originating in the Senate to incorporate the town of Indianola.

Mr. Clow, one of the Committee on Internal Improvements made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Internal Improvements, to whom was referred a bill to incorporate the Mexican Gulf, Texas Central and Missouri Railroad Company, have had the same under consideration, and unanimously instruct me to report the same back, as amended, and recommend its passage.

The bill provides for a continuous line of railway from Lavaca Bay to Red River, at a point in Fannin county, at or nearly opposite the mouth of Blue River, and, as amended by the committee, describes the counties through which it passes, and contains all the salutary provisions of the Mexican Gulf and San Antonio Railroad Company and the general Railroad law of the State.

The object and design of the corporators named, is to secure the construction of a Railroad from Missouri to the Gulf of Mexico. For the construction of the other end of the road a charter has already been granted and exhibited to your committee.

This company asks for no loan of money from the State, and obligate to commence operations within *six months*, to construct five miles of the road within *twelve months*, and twenty-five miles within *two years*.

Satisfactory evidence has been exhibited to your committee that the company have already secured iron for the building of twenty-five miles of the road, and that it is *bona fide* their intention to construct the same in accordance with the terms of the bill.

Regarding this measure as of the greatest importance to the people of the State, we recommend the passage of the bill as presented herewith.

MEMORANDA OF AMENDMENTS PROPOSED AND ADOPTED BY THE
COMMITTEE.

Strike out of section 2d, "City of Preston, in Grayson county," and insert after the words, "City of Lavaca, Calhoun county," "and thence running the most practicable route to

Texana, in Jackson county, Columbus, in Colorado county, passing through the counties of Washington, Brazos, Grimes, Madison, Leon, Freestone, Henderson, Vanzandt, Hunt and Fannin, to a point on Red River, at or nearly opposite the mouth of Blue River."

Second Amendment.—Section 4th, ninth line, after the words, "President of the Company," insert "who shall, together with a majority of the Directors, reside in the State."

Mr. Aycock, chairman of committee on Public Lands, reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Public Lands have had under consideration the petition of Robert J. Calders, and instruct me to report, that Robert J. Calders was at the battle of San Jacinto, and for his services there received a certificate for 640 acres of land, and located the same on the waters of the North San Gabriel, in the county of Burnett, and the same was regularly surveyed and patented. Subsequently it was ascertained that it conflicted for about 400 acres with an older survey in the name of David Harmon. Your committee are satisfied that the remaining 240 acres, lying in a narrow strip on the north and east side of the survey, are almost worthless without the other part of the land; they therefore think the said Calder ought to be allowed to remove his whole claim, and report the accompanying bill for his relief. Report received.

Also—

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Lands, to whom the bill for the relief of pre-emption settlers has been for the third time committed, together with sundry amendments, from time to time referred, have examined the same, and have unanimously instructed me to report the accompanying bill and recommend its passage. Report received.

Mr. Evans, one of the committee on Public Lands, reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

Your committee on Public Lands, to whom was referred the memorial of John K. Waller, a resident citizen of the

county of Bosque, have had the same under consideration, and have, by a majority vote, instructed their chairman to report the accompanying bill and ask its passage.

Your committee would respectfully inform this body that this claim for a gratuity from the State, is founded on these facts, viz: The said Jane C., wife of John K. Waller, gave birth to the following named children, to-wit:

Thomas Parke, born November 14th, 1856, 10 o'clock, 45 minutes P. M.

Riley Battle, born November 14th, 1856, 11 o'clock, 45 P. M.

Nathaniel Green, born November 14th, A. D. 1856, 12 o'clock, P. M.

Your committee would further represent that said Nathaniel Green departed this life on the 29th day of November, 1856, and in view of this fact, the 320 acres of land is given to the mother. Your committee also would inform this body, that the said John K. Waller is a poor man, encumbered with the cares of a large family.

Your committee are informed that the policy of granting small quantities of the public domain, in cases similar to this, is not a new one, but has been practiced in several instances by past Legislatures.

Your committee are satisfied that in this case the parents of these children have faithfully obeyed *one* of the earliest injunctions of God upon men, whether intentionally or otherwise; and in view of the fact, that it is well known that cases similar to these are of rare occurrence, your committee can see no reasonable objection to granting to these objects of State pride and matrimonial felicity a small pittance from the magnificent wealth of our glorious State.

Your committee have but to cast their eyes back a few years to see that magnificent *bonusses* of the public domain were offered, as rewards, to all those men who would engage in the noble and very pleasant business of rearing the germs of civilization and power. This lady *has* shown herself more than a Roman mother. She offers, at the shrine of her country, in a single day, three noble little boys.

Such services as these, your committee are of the opinion, will commend the recipients to the favorable consideration of this body of wisdom and intelligence.

A. J. EVANS,
One of the Committee.

Mr. Kittrell, one of the Committee on Claims and Accounts, made the following report :

AUSTIN, December 9th. 1857.

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred a Senate's bill, entitled an act for the relief of L. S. Hargous, the heirs of H. R. W. Hill, G. B. Lamar, and the widow and children of, and if the widow be dead, the children of Samuel Swartwout, have had the same under consideration, and have instructed me to say, that this bill was laid before them without data or proof of any kind, not even the report of committee, on which to base their action. It is true it came bearing the impress of the sanction of the Senate; but even that honorable body may sometimes err, and whilst we entertain the highest regard for the wisdom and integrity of that body, we can hardly be expected to surrender entirely our own opinions to their judgment and action, and must therefore be allowed to express our regret that some reasons were not furnished us by that body, on which they based their favorable action on the bill before us.

Your committee have informally learned that the amount specified in the bill under consideration, is in payment to the individuals therein named of interest on monies, which said parties loaned to Texas, in her revolutionary struggle for Independence; the principal of which has been paid them. They now ask for interest on the same. Your committee have instructed me to say, that in the absence of all proof as to the equity of this claim, they could only confine themselves to the question of policy in allowing interest on any claims whatever, however just and equitable.

They believe that in so doing that they would contravene and unsettle a policy which has been laid down as a rule of action, both by the General Government and many of the older States, and especially the State of Texas, in the payment of their public creditors.

Your committee would suggest that the fact of the persons seeking relief by the bill now before us, having been by the special enactment of a former Legislature paid the principal of their claims without interest, is in proof of the aforesaid proposition. We would take this occasion to acknowledge our appreciation of the liberality of the persons named in the

bill towards Texas, in her hour of need, and our regret that the operation of a necessary rule of policy should work a hardship to them; but must be permitted to say that the fact of their having received the principal of their claims under laws granting the same, is to them a good fortune that has not fallen to many a one, having equal claims to justice; and the fact that they took benefit under those acts, furnishes pretty fair presumptive proof that, if not satisfied, they were willing to do so.

Your committee are free to say, that they have come to these conclusions without any data—merely from informal information touching this matter, and have directed me to say, should any light be furnished from any source to convince them that they have erred, they will most cheerfully correct their error.

Respectfully,

P. W. KITTRELL,

One of the Committee.

Mr. Mills Chairman of the Committee on Claims and Accounts, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The Committee on Claims and Accounts to whom was referred the petition for the relief of Luciano Navarro, have had the same under consideration and have carefully examined the vouchers accompanying the petition. They find many of the items in said claim belong to that class of injuries incidental to a state of war, which Government rarely hold itself responsible; for there are some of the items, however, which may well be considered not as spoliation and which are commended to favorable action by the Committee.

The facts are about these:

The petitioner in 1835 lived in the city of San Antonio de Bexar, and resided in the Veramendi House; had valuable property therein; stores, subsistence and furniture; that in December, 1835, during the assault and storming of said city under the command of Col. Milam, the division of the army under Col. F. W. Johnston, entered and occupied the said Veramendi House, the then residence of the petitioner; that the division of the army used and consumed all the provisions and every article of clothing and destroyed other valuable property necessarily incident to such a conflict of arms as the storming of Bexar.

The Committee after scanning the claim, concur in the Senate's bill, giving petitioner \$437,62 for articles of subsistence and stores supplied to said forces on that occasion; the proof is satisfactory and they recommend under the peculiar circumstances of this case, favorable action and passage of the Senate's bill.

Mr. Shelton, one of the Committee on Claims and Accounts made the following minority report:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The undersigned one of the Committee on Claims and Accounts to whom was referred the Senate's bill appropriating the sum of \$437,62 dollars in payment of a certain claim in favor of Luciano Navarro; differing from the majority of said committee beg leave to make this minority report. It has not been proven to my satisfaction that the articles which it is alleged were used by the army of the Republic of Texas, as commissary stores were all used for the benefit of said army, that the said Navarro was greatly damaged by the ravages which necessarily attended the war between the late Republic of Texas and the government of Mexico I have no doubt, but as it has been the settled policy of our State not to pay such claims, and as I believe this claim has once been rejected by the auditorial board, I am unwilling under the present view of the case to pay it; but leaving the above reasons out of the question, it has been the custom of the committee on Claims and Accounts, not to act on claims over which the Court of Claims has proper jurisdiction; and believing that this is the true policy with regard to such claims, I am unwilling that the House should act on them until after they have taken such course; I would therefore suggest, as there were but few of the Committee present when the claim was acted on, that the majority report be not received; report accepted.

Mr. Lewter, one of the Committee on Claims and Accounts, reported as follows:

The Committee on Claims and Accounts, to whom was referred the petition of Sherman Case, have had the same under consideration, and instruct me to report as follows:

The petitioner modestly asks for the sum of seven hundred and twenty-eight dollars, which he says he lost by the "moving accidents of flood and field" in the year 1855, in distributing

the laws of Texas amongst the Chief Justices of the several Counties of the State. Notwithstanding the petitioner, according to his own statement, "executed and delivered" to the proper officers, his penal bond in the sum of ——— dollars, conditioned for the faithful performance of the obligations of a sacred contract between himself on the one part, and the State of Texas, yet he makes out an account for the above sum regardless of vouchers and either neglects or refuses to substantiate the same by the necessary evidence. In the opinion of the committee, this contract is binding alike on the petitioner and the State of Texas, and had the petitioner been even endorsed by testimony "as strong as proof of Holy writ," there are many reasons against recommending a departure from legal rules of such universal application. The committee ask to be discharged from the further consideration of this petition and from all similar applications for the money in our Treasury: report received.

Mr. Shelton, one of the Committee on Claims and Accounts reported, as follows:

The Committee on Claims and Accounts to whom was referred the memorial of Lazarus Rice and Samuel D. Sullivan, after examining them have come to the conclusion that they were improperly referred, and they suggest their reference to the Committee on Private Land Claims; report adopted.

Mr. Johnson, one of the Committee on Engrossed bills reported correctly Engrossed:

A bill for the relief of Goodwin Killian.

A bill for the relief of the heirs of Jesse Boykin, deceased.

A bill for the relief of Abel Morgan.

A bill for the relief of Martin Winne.

And, a bill for the relief of the heirs of Wm. Freerdec; report received.

BILLS AND RESOLUTIONS.

Mr. Walling introduced a bill for the relief of Ann R. Buckley; read first and second times and referred to Committee on Public Debt.

Mr. Doom introduced a bill for the relief of Charles Gilchrist and Stephen Jones, or their assigns; read first and second times and referred to Committee on Private Land Claims.

Mr. Cleveland introduced a bill making an appropriation to improve the navigation of the Trinity river; read first and second times and referred to the Committee on Internal Improvement.

Mr. Buckley introduced a bill for the relief of Randall Jones ; read first and second times and referred to Committee on Claims and Accounts.

Mr. Chance introduced a bill to authorize the Court of Claims to issue headright certificates in certain cases ; read first and second times and referred to Judiciary Committee.

Mr. Howerton offered the following resolution :

Resolved, That the Finance Committee be instructed to inquire into the propriety of amending the laws in relation to revenue, as to compel the Assessors and Collectors of Taxes to keep their offices at the County seat of their respective Counties ; adopted.

Mr. Haynes of Star, introduced a bill to authorize the Commissioner of the General Land Office to correct errors and mistakes in the issuance of patents and Land certificates from his office ; read first and second times and referred to Judiciary Committee.

Mr. Lee introduced a bill for the relief of certain purchasers of Aust in city-out lots ; read first and second times and referred to Committee on State Affairs.

Mr. Collier introduced a bill for the relief of I. J. E. Gregory ; read first and second times and referred to Committee on Private Land Claims.

Mr. Powell introduced a bill to abolish secret or implied liens in sales of land or other property ; read first and second times and referred to Judiciary Committee.

Mr. Chance offered a resolution instructing the Judiciary Committee, to inquire into the expediency of repealing an act supplemental to the act of March 13th, 1848, entitled an act better defining the marital rights of parties ; rejected.

Mr. Navarro offered the following preamble and resolution :

WHEREAS, in the Library of the State Department, there are some works which Geo. Fisher of Houston, presented to the State of Texas, (October 1st, 1856,) which works contain a large stock of information and some valuable data, which may be very useful to the future historian in compiling and digesting the history of our Revolutionary war of Independence from Mexican thralldom ; and whereas the said works are in the Spanish language, therefore :

Resolved, That a special committee be appointed to examine said works, and report to the House as to the expediency

of translating into English, such portions of said works as might be useful ; adopted.

The question pending when the House adjourned yesterday, viz :

The reports of the Committee of Conference on a bill to pay a volunteer company, called into service by the Governor, taken up.

Mr. Crawford moved the adoption of the majority report.

On motion of Mr. Reeves, the main question was ordered which being the adoption of the majority report, the same was put and report adopted by the following vote :

YEAS—Messrs. Speaker, Baldwin, Bee, Bishop, Brown, Carroll, Cleveland, Clow, Cooley, Craig, Crawford, Dennis, Doom, Evans of Austin, French, Hall, Hardin, Harris of Guadalupe, Haynes of Star, Haynes of Washington, Henderson of Cass, Hicks, Jennings, Johnson, Joseph, Latham, Merri-man, Munson, Navarro, Powell, Rainey, Reeves, Scott, Shannon, Smith of Orange, Tait and Upshaw.—37.

NAYS—Messrs. Aycock, Barnard, Burks, Burnett, Chance, Chilton, Collier, Crook, Dalrymple, Edwards, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Kirk, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKinney of Travis, Murrah, Norton, Poag, Price, Rhodes, Ross, Shelton, Walling, Waterhouse, Witt and Wood—36.

On motion of Mr. Latham, Mr. Buckley was added to the Special Committee on Land Titles west of the Nueces.

Mr. Burnett, moved a reconsideration of the vote adopting a report of the Judiciary Committee on the bill relative to changing the time of holding County Courts ; carried.

On motion the House adjourned until 9 1-2 o'clock, to-morrow, A. M.

AUSTIN, December 10th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Howerton presented the petition of E. D. Holland ; referred to committee on Private Land Claims.

Mr. Navarro presented the petition of J. A. Quintero ; referred to committee on Finance.

Mr. Clow presented the protest of ninety-three citizens of Indianola against a repeal of their charter; referred to committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Rainey, chairman of the committee on Internal Improvements, made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Internal Improvements, to whom was referred a bill entitled an act to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company, have had the same under consideration, and instructed me, for the following reasons, to report the same back to the House, and recommend its passage.

Your committee are of the opinion that Texas is peculiarly adapted to the building and cancelling of ships, possessing as it does an inexhaustible abundance of the finest timbers in the world—more adjacent to the coast than any other State in the Union, with but one or two exceptions.

Your committee were also impressed with the importance of fostering, by legislative encouragement, the mechanical and manufacturing interests of our State, embracing as it does a more extended and varied field for labor than any other State in the confederacy; indeed, containing within its own limits all the resources of a nation, and all the elements of prosperity which climate, soil and variety of production has given to any country upon the Globe. The field presented to the industrial pursuits is truly illimitable. The arts, as well as the sciences, depend for their development upon the moral, social, political, agricultural and physical formation of the country; and may we not be inspired with the hope that these multiplied advantages, so abundantly possessed by Texas, will bring into active operation, at any early day, all the varied mechanical interests, which associated with agriculture, will secure the permanent prosperity of the State, and will make her independent of the world. And then it could be truly said of Texas, that she is the self-poised, self-reliant architect of her own fortunes. Report received.

Mr. Hardin, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of John J. E. Gregory; report received.

On motion of Mr. Burnett, report taken up and adopted, and bill ordered to be engrossed—rule suspended, read third time and passed.

Mr. Wood, one of the committee on Private Land Claims, made the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petitions for the relief of the heirs of Thomas Leftwick and Ashmore Edwards, have had the same under consideration, and direct me to report the accompanying bill and recommend its passage.

From the evidence, the committee find that Thomas Leftwick served as a Captain in the army of the Republic of Texas, from the 20th of January, A. D. 1837, to the 19th of December, 1837. This is shown by the certificate of J. W. Scott, Paymaster Texas Army, attested by Barnard E. Bee, Secretary of War. The committee have had before them a Captain's commission, directed to said Leftwick, of date 26th of August, 1837, running back to the 10th day of February, 1836. It was also proved that no headright had been granted to the party. It was further in evidence that Leftwick did not have his family in the country, and therefore was only entitled to a third of a league as a headright.

In the case of Edwards it was proved to the satisfaction of the committee that he was in the country at the date of the declaration of Independence—over 17 years of age at the time—was a friend to Texas—has ever been a citizen of the country—is a single man, and has no grant of a headright.

Report received and bill read first time.

Mr. Kittrell, chairman of the committee on Education, made the following report.

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Education, to whom was referred a "resolution instructing them to enquire into the management of the institutions for the Insane, the Deaf and Dumb, and the Blind ; also, as to the manner in which the funds appropriated at the last session of the Legislature for the establishment and support of these institutions have been expended," have had the same under consideration, and have instructed me to say, that they have confined themselves at present to the ex-

amination of the financial affairs, and condition and wants of the institution for the Deaf and Dumb

We find on comparing the vouchers filed by the Trustees in the Comptroller's Office, with the account current as contained in the report of said Trustees, all to correspond and to be correct.

We think in the expenditures made by the Trustees and Principal of said school, that a due regard has been observed, both as to economy and the public interest. By reference to the report of the Trustees, the precise manner and mode of expenditure, and the propriety of, and necessity for the same, will be easily understood, which saves the necessity of detail on the part of the committee.

Your committee would suggest that in their report of 9th instant, they said all that was necessary in regard to the management of the institution, the qualifications of its teachers, and every thing pertaining to its general interests ; and would here merely repeat their confident assurance of the success of the enterprise, and its capacity to fulfil all the purposes of its creation. In consideration of which they have instructed me to report the following bill, and recommend its passage.

Report received, and bill read first time.

Mr. Gaston, one of the committee on Claims and Accounts, made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the petition of John Archer, have had the same under consideration, and have instructed me to report the following, with accompanying bill, and recommend its passage.

Petitioner shows that he has been a citizen of Texas since the year 1836—ready to do service whenever called upon by his country, and that in a battle with the Indians, called the Plum Creek Fight, he received a wound in the shoulder, causing a permanent injury to such a degree as to prevent him from performing the ordinary business of manual labor ; that he is poor and dependant upon his labor for his support. The committee are therefore of opinion that it would be just and proper that relief be granted to said petitioner.

Réport received and bill read first time.

Mr. Lewter, chairman of the committee on Roads, Bridges and Ferries, made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Roads, Bridges and Ferries, have had under consideration a bill to be entitled an act to incorporate the Nueces Bridge and Turnpike Company, and have instructed me to report the same back to the House and recommend its passage. Report received.

Mr. Munson, one of the committee on Claims and Accounts, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the petition of W. R. Henry and R. J. Jones, citizens of the county of Bexar, and State of Texas, representing that they were commissioned by his Excellency, the Governor, to execute a writ of requisition in bringing the body of Robert Augustine, a fugitive from justice, and from said State of Texas and county of Bexar, asking that a reasonable amount be allowed them for executing said writ, have investigated the same, and instruct me to report, that your committee are satisfied that article 1457, Hartley's Digest, extends all the relief to these parties that is right or proper. Whereupon, your committee ask to be relieved from further consideration of this subject. Report adopted.

Mr. Munson, one of the committee on Claims and Accounts, made the following report :

HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the memorial of Hugh W. Haws, praying to be refunded certain moneys by him expended in cleaning out the Guadalupe river and improving the navigation of Espiritu Santa Bay, have with care considered the same, and are of opinion that your memorialist deserves consideration for his enterprise ; but the committee cannot understand that expenditures incurred with a sole view to promote individual interest, necessarily creates a demand against the State ; whereupon the committee instruct to report against the memorial. Report adopted.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed—

“A bill to be entitled an act to repeal a portion of an act of

February 10, 1852, entitled an act in relation to lands in Peters' Colony;" and, also,

"A bill to be entitled an act to prohibit the location, survey and patenting of certain certificates, issued under the provisions of the act of February 10, 1852, entitled an act relating to lands in Peters' Colony." Report accepted.

Mr. Locke, chairman of the committee on Enrolled Bills, reported correctly enrolled the following bills:

An act to change and provide for a uniform time of terminating the fiscal year of the several offices of the State Government.

A bill to amend the second section of an act to amend the second section of an act to amend the second and seventh sections of an act to organize the Supreme Court of Texas, approved November 3, 1850, approved February 13th, 1854.

A bill to admit Wm. H. Burkhart to practice law in the courts of this State.

A bill to change the name of Leander Milton Nealy to Leander Milton Stone.

A bill to provide for a special election of a Senator in the 21st District, to fill the vacancy caused by resignation of Hon. E. M. Millican; a bill to authorize the Clerk of the District Court of Fayette county to transcribe certain records therein named; and a bill to authorize the Clerk of the County Court of Fayette county to transcribe certain records therein named, and find the same correctly enrolled, properly signed, and they have been presented for the signature of the Governor. Report accepted.

Mr. Bee, chairman of the committee on State Affairs, made the following report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on State Affairs have examined the petition of the citizens of Helena, in Karnes county, praying for an alteration in the boundaries of the corporate limits, and report that the change desired will be advantageous to the citizens of Helena, and not extend the limits beyond a reasonable area; they therefore recommend the passage of the accompanying bill.

Report received and bill read first time.

Mr. Tait introduced a joint resolution to provide for the election of Superintendents of the Penitentiary and State

Lunatic Asylum ; read first and second times and referred to the Committee on State Affairs.

Mr. Howerton introduced a bill to be entitled an act to authorize and require all forced sales of real estate or negroes made by Executors and Administrators in the County of Calhoun, to be made at the door of the Casimer House, in the city of Indianola ; read first and second times and ordered to be Engrossed ; rule suspended, read third time and passed.

Mr. Lee by leave presented the petition of W. B. Green ; read and referred to the Committee on Private Land Claims.

The Speaker announced Messrs. Navarro, French, and Cooley, as the Committee on Mr. Navarro's resolution, offered yesterday relative to transcribing certain books, &c., in the State Library.

A resolution fixing the hour of meeting each morning at 9 1-2 o'clock, taken up.

Mr. Crawford moved to lay the resolution on the table ; lost. On motion of Mr. Locke, the resolution was adopted.

Mr. Witt offered the following resolution :

Resolved, that the Committee on the Judiciary be instructed to inquire into the expediency of so amending the District Court Laws as to prescribe an appearance term, also of extending the time of issuance of executions ; adopted.

Mr. McKinney of Travis, introduced an act to encourage the reclamation of fugitive slaves escaping beyond the limits of the United States ; read first and second times and referred to the Committee on State Affairs.

On motion of Mr. Henderson of Cass, a bill to remove the disabilities of minority from James N. Scott, William P. Wyatt, William B. Fowler and George B. McKinstry, and declare them severally of lawful age, was taken up, when.

Mr. Norton moved to amend by adding that all other boys of like age be relieved of legal disabilities.

On motion of Mr. Locke, laid on table.

Mr. Howerton proposed to amend by adding the name of John P. Arrington ; adopted.

Mr. Evans of McLennan, offered the following amendment :

Provided, That no political privileges shall be conferred ; adopted.

Mr. Lee moved to refer the bill to the Judiciary Committee with instructions to frame a general bill for relief by application to the District Court ; rejected.

Mr. Crawford proposed to amend by adding the name of J. Manuel y Castillo ; rejected.

Bill passed to a third reading ; rule suspended, read third time and passed.

Mr. Upshaw introduced a bill to define the line between Washington County and Austin County ; read first and second times and referred to the Committee on County Boundaries.

Mr. Kittrell introduced a bill for the relief of John R. Parker ; read first and second times and referred to the Committee on Private Land Claims.

Mr. McKinney of Travis introduced a joint resolution recognizing P. W. Humphries, as a commander in the late navy of Texas, at the date of Annexation of Texas to the United States ; read first and second times and referred to the Committee on Federal Relations.

Mr. Evans of McLennan introduced an act to provide a mode of changing the venue of suits in Justices Courts in this State ; read first and second times and referred to the Judiciary Committee.

Mr. Haynes of Star, offered the following resolution which was adopted :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of framing a general law for the removal of the disabilities of minority by petition and decree of the District Court to parties desiring such relief.

Mr. Buckley presented the petition of Edward Seeligson of Goliad County ; referred to Committee on Private Land Claims.

Mr. Bee, Chairman of Committee on State Affairs, by leave reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Committee on State Affairs have examined a bill from the Senate, providing for the payment of three companies of minute men commanded by John W. Sansom, John D. Davenport and Reading W. Black, and report :

That the Companies named in this bill, by the authority of the Governor, were actively engaged on the frontier in the spring of the year 1856, in defending the settlements ; that they rendered important services and have not been remunerated.

The Committee hold it to be the high duty of the State

to extend every protection to her frontier settler that is in her power to do ; that the fact that it is the duty of the General Government to afford this protection is as apparent as that they have failed to do so.

Texas has to rely on her own sons, and she will pay all expenses incurred by them ; let the frontier settlers be assured that when the safety of their homes require that they should neglect their business, that their government will see that they suffer no loss and you will form a guard in each settlement more available than any other troops, and your settlements will move onward until the hunting ground of the savage shall be the home and abode of the yeomanry and beauty of your State ; report received.

Mr. Edwards moved to take up the bill (by suspending the rules) ; lost.

Mr. Buckley, Chairman of the Committee on Private Land Claims, reported as follows :

COMMITTEE ROOM. }
December 10, 1857. }

TO HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The Committee on Private Land Claims to whom was referred the petition of Rafeal Guitierres, Juanna Guitierres, Petra Guitierres, and Madelina Guitierres, have had the same under consideration and instructed me to report, That they find from the evidence produced before them that the ancestors of the petitioners settled upon the two leagues of land which they seek to perfect the title to by the present application, in Webb county known as "Los Oguelos" settled upon the same in the year 1807, by virtue of a title known at that time as an Ampara grant, which was a license to settle upon the land specified, previous to obtaining a perfect and complete title thereto. That the said ancestor, Isidro Guitierres established a stock ranch upon the premises, and he and his descendants have occupied the same ever since, except such times as he or they were driven off by the Indians.

That they are now occupying the same, and that they have never received any other grants of land from the Government of Mexico, Coahuila and Texas, or Texas, except the one now under consideration. That the title by which said ancestor of said petitioner, was incomplete under the laws of Mexico, but was such an one as would have been perfected, had not the

sovereignty of the soil changed, which prevented the consideration or perfection of private rights obtained under the former Government. That the descendants of the said Guitierres now number seventeen persons, beside their offspring; and that the amount of land now sought to be obtained is far less than has been usually granted to inhabitants of Texas. In view of these facts, your committee have instructed me to report the accompanying bill and recommend its passage; report received.

ORDERS OF THE DAY CONTINUED.

(MR. CHILTON in the Chair.)

A bill entitled an act for the relief of Polly Guthrie and heirs of Andrew Jones deceased, taken up and ordered to be engrossed; rule suspended, read third time and passed.

A bill to be entitled an act for the relief of Joseph Baker; read 3d time and passed.

A bill to be entitled an act requiring forced sales of real estate and slaves to be advertised in Newspapers, with reports from a majority and minority of the committee on the Judiciary.

Mr. Edwards moved to postpone the consideration of the bill until next Wednesday—lost.

Mr. Hicks moved to adjourn until 9½ o'clock to-morrow.

Mr. Reeves moved to reconsider the vote adopting the report of the committee of conference relative to retaining in service volunteers for the protection of Mexican carts between San Antonio and the Gulf. The Speaker decided that the motion for adjournment took precedence, the question being on Mr. Hicks's motion to adjourn the same was put and the House refused to adjourn by a vote of 31 yeas to 41 nays.

Mr. Kinney moved to postpone the bill until Monday next—lost.

On motion of Mr. Crawford the main question was ordered, which being the adoption or rejection of the substitute reported by the minority of the committee, the yeas and nays were demanded, and the House refused to adopt the substitute by the following vote:

YEAS—Messrs. Baldwin, Barnard, Bee, Burks, Burnett, Chance, Cleveland, Dalrymple, Edwards, Evans of McL., Everett, Hall, Hardin, Harris of G. Harris of T., Haynes of Starr, Henderson of Cass, Jennings, Johnson, Kinney, Kittrell, Latham, Lewter, Norton, Powell, Price, Rogers, Scott, Smith of F., Smith of Orange, Tait, Ward and Wood—33.

NAYS—Messrs. Speaker, Aycock, Bishop, Carroll, Chilton, Craig, Crawford, Crook, Dennis, Doom, Evans of A., French, Gaston, Hardeman, Harrison, Hart, Haynes of W., Holland, Joseph, Kirk, Lacy, Lee, Lesueur, Locke, Lloyd, McKinney of H., McKenney of T., Merriman, Munson, Murrah, Navarro, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Shannon, Shelton, Upshaw, Walling, Waterhouse and Witt—43.

Mr. Price moved to re-refer the bill to the Committee on the Judiciary.

Mr. Dennis moved to lay the motion to re-refer on the table.

On motion of Mr. Locke the main question was ordered, and the motion to re-commit was laid on the table.

On motion of Mr. Dennis the report of the majority of the committee was adopted by the following vote:

YEAS—Messrs. Speaker, Aycock, Bishop, Burnett, Carroll, Chilton, Collier, Craig, Crook, Dalrymple, Dennis, Doom, Evans of A., French, Gaston, Hardeman, Harris of G. Harris of T., Harrison, Hart, Haynes of Washington, Hicks, Holland, Joseph, Kirk, Lee, Lesueur, Lloyd, McKinney of H., McKenney of T., Merriman, Munson, Murrah, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Shannon, Shelton, Smith of T., Upshaw, Walling, Waterhouse and Witt—48.

NAYS—Messrs. Baldwin, Bee, Burks, Chance, Cleveland, Crawford, Edwards, Everett, Hardin, Henderson of Cass, Jennings, Johnson, Kinney, Kittrell, Lacy, Latham, Lewter, Locke, Powell, Price, Tait, Ward and Wood—23.

Mr. Reeves then renewed his motion to reconsider the vote adopting the report of the committee of conference relative to the protection of Mexican carts.

Mr. Bee moved to lay the motion to reconsider on the table.

On motion of Mr. Crawford a call of the House was ordered.

On motion of Mr. Latham Mr. Brown was excused.

On motion of Mr. Locke the Sergeant-at-Arms was dispatched after absentees.

On motion the House adjourned until 9½ o'clock, A. M. to-morrow.

AUSTIN, December 11th, 1857.

House met pursuant to adjournment—roll called, and Sergeant-at-Arms dispatched for absentees.

On motion Messrs Buckley, and Brown, were excused from attendance on the House on account of indisposition—quorum present—journal of yesterday read and adopted.

On motion of Mr. Locke, Robt. Cotter was excused from attendance on the House on account of sickness.

PETITIONS.

Mr. Cooley presented the memorial of citizens of Llano county, remonstrating against legislative action or interposition relative to the location of the county seat of Llano county; referred to the committee on Counties and County Boundaries.

Mr. Hart presented the petition of Susana Lane; referred to the committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Murrah, one of the committee on Public Lands made the following report, relative to bringing into market the public domain.

COMMITTEE ROOM, }
AUSTIN, December 9, 1857. }

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred for consideration, a resolution to enquire into the expediency of bringing into market, the public domain of the State, have carefully considered the same, and they are of the opinion that sound policy requires it.

Many reasons warranting this conclusion, forced themselves upon the attention of the committee.

The public domain is vast and will be of great value to the State, provided a proper use is made of it, but so long as it remains unappropriated to individual use, it is capital uninvested and inactive, and like the vast mineral resources imbedded in our soil, yields no profit. By exposing to sale the public land, we not only bring into the Treasury its price, to be employed by the State as her interest and policy demand, but the amount of taxable property is thus increased and the general prosperity advanced, by diminishing in that proportion the tax imposed upon the people to defray the expenses of the Government.

And again we are admonished that the State must adopt this policy, and adopt it speedily, if she expects to gather much profit from this legitimate source of her wealth and power. Her public domain is daily passing away into certificates and grants, issued at the instance of individuals ; and these individual applications, instead of diminishing in numbers, increase with time, and promise not only to become more numerous, but more importunate and stubborn as land advances in value.

Compliance with the demands of one, encourages others, and those who have slept upon their rights, if rights they ever had, for from ten to twenty years, are now pressing with avidity, their claims, and the special legislation of the State on this subject, furnishes ample proof of the readiness with which our legislators lend their ears to petitioners of this character, and when, too, it may fairly be presumed that much of the evidence essential to the determination of the equity and legality of their demands has perished from the lapse of time.

Again, we want population—we want more tillers of the soil—we want more of our rich lands in cultivation ; and every inducement, however slight it may be, ought to be held out to emigrants. Our land titles are in confusion and there is a want of confidence in them, especially abroad, and this fact alone, deters thousands from our borders, who would otherwise make their future homes here. This obstacle to emigration will be diminished, if not removed, by the issue of land scrip directly to the applicant. This regulation alone and the considerations connected with it, will give the State, in exchange for her public lands, thousands of industrious citizens and happy families—who will not only lead on, but sustain, when established—the system of internal improvements, anticipated by the adopted policy of the State.

The Committee had some difficulty in fixing a price upon land scrip, but they agreed to fifty cents per acre. This seems low as compared with the intrinsic value of our land—it is so. But we must recollect that there is no absolute value for property—the value is only relative, and that we ought, in fixing the price, have reference rather to the policy intended, than to any supposed intrinsic value of land. We propose to sell, to encourage emigration, to hasten the conversion of the public domain into active capital, to increase our taxable property and to secure the advantages resulting therefrom. Now to fix

a price above fifty cents per acre, it was thought would not secure the objects intended.

Certificates and land warrants, and even land itself, may be had at fifty cents per acre, and less, and in any quantity, from private owners. To put land scrip into market then, at a price much above the current price of certificates and warrants, would defeat the sale of them.

And, besides, it must be apparent to every reflecting mind, that if the State should put her land scrip into market at a high price, one dollar per acre for instance, she would thereby increase the price of land hoarded up in large quantities, in the hands of the speculators, and private land owners, and this state of things so far from encouraging, would actually discourage emigration. But it is said that the land of Texas is worth as much as the land of other States—granted. But why does population flow here in tides unknown before in the history of States? The answer is plain—land is cheap and within the reach of all. Those who sell out their lands in the old States expect to be compensated for the sacrifice incident to settling a new country by investing the amount for which they sell their lands in negroes, to be worked on new lands, that cost but little. And this consideration alone brings thousands to Texas and will continue to do so, if she does not forget the policy most conducive to her prosperity and advancement. The State or government that in an avaricious spirit, hasteneth to get rich, by charging her own citizens high prices for their homes in the land, impoverishes herself and people. Let the policy of Texas be to offer cheap homes to those in the old States who are laboring upon worn out soils, and she will reap her reward in increased wealth and population.

For these and other reasons the committee recommend the passage of the accompanying bill.

P. MURRAH,

One of the Committee.

Report received and bill read first time.

Mr. Aycok, chairman of the same committee reported as follows:

The committee on Public Lands have had under consideration, a bill to legalize certain surveys between the waters of the Colorado and Brazos rivers, and report the same back to the House and recommend its passage, with the following amendments, to wit:

SECTION 4th, shall read as follows:

That the field notes of all surveys legalized by this act, shall be recorded in the counties in which the said surveys or any part thereof may lie.

Sec. 5th, shall read as follows :

That this act take effect from and after its passage ; report received.

Mr. Hardin, one of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to whom was referred the petition of John Reed, have had the same under consideration, and after mature deliberation, are unanimously of the opinion, that from the proof adduced, the petitioner is clearly entitled to the relief sought, and the undersigned is instructed to report the accompanying bill for his relief and ask its passage by the House ; report received and bill read first time.

Mr. Kirk, one of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims to whom was referred the Senate's bill for the relief of Samuel McCulloch, have duly considered the same, and find on investigation, that the facts are as follows ;

Saml. McCulloch was a resident, and volunteered in the company, and under the Command of Captain George M. Collingsworth in the service of the Republic of Texas, on the 6th or 7th day of October, 1835, and that he was engaged in the attack made by said company in storming Fort Goliad on the 9th of October, 1835, at 12 o'clock at night, and while engaged in the thickest of the fight, the evidence is conclusive that he was wounded by the enemy with a gun shot in the right shoulder, which has rendered his right arm permanently useless ; the above facts were sustained by the evidence to the entire satisfaction of the committee and believing the claim a highly meritorious one, the committee, have instructed me to report it back, and ask of your honorable body a favorable consideration by granting the relief sought, all of which I herewith most respectfully transmit ; report received.

Mr. Ross, chairman on Privileges and Elections made the following report :

The committee on Privileges and Elections to whom was referred an act to amend the 12 section of an act regulating elections, passed March 16th, 1848, have had the same under consideration and instruct me to report the same back to the

House, and recommend its passage as amended; report received.

Mr. Locke, chairman of committee on Enrolled Bills made the following report.

The committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, properly signed, and this day presented to the Governor for approval, to wit:

An act to remove the disabilities of minority from James N. Scott, William P. Wyatt, William B. Fowler, George B. McKinstry and John P. Arrington, and to declare them severally of lawful age, and a bill to pay a company of mounted volunteers, called into service by the Governor, for the protection of those engaged in transporting goods and merchandise over the road from San Antonio to the Gulf; report accepted.

Mr. Guinn, chairman on the part of the Senate, and Mr. Lee, chairman on the part of the House, on the joint select committee made the following report:

The joint select committee to whom was referred the report of the Commissioner of Claims, have had under consideration so much of said report as relates to claims recommended to the Legislature by the Commissioner for head-rights of land.

The committee, after a patient and arduous investigation of each claim embraced in that portion of the report, believe that the following parties are justly entitled to the land allotted to each, viz: the heirs of William Barlow, one-third of a league; William S. Allen, three hundred and twenty acres; heirs of George Gazley, one thousand two hundred and eighty acres; heirs of Jacob Rinard, an unconditional certificate for six hundred and forty acres; Alexander Murchison, six hundred and forty acres; Samuel Harris, three hundred and twenty acres; heirs of John Lockhart, three hundred and twenty acres, augmentation; John W. Harris, three hundred and twenty acres; heirs of Willis A. Moore, one-third of a league; heirs of Leonard Burns, six hundred and forty acres; Marcus L. Fulton, three hundred and sixty-nine acres, augmentation; Thomas B. and James Howard, each, three hundred and twenty acres; Juan Delgado, one league and labor; heirs of John Bradley, six hundred and forty acres; Morgan L. Smith, six hundred and forty acres; heirs of Abraham Marshall, one-third of a league; heirs of William T. Dobbin, one-third of a league; Henry Harruff, three hundred and twenty acres; Joshua Fulcher, one league; heirs of James McWhorter, an unconditional certificate of six hundred and forty acres; Micajah

Clark, three hundred and twenty acres ; heirs of Matthew L. Roberts, one-third of a league ; heirs of Wilhelm Ursena, three hundred and twenty acres ; heirs of Benjamin A. Campbell, three hundred and twenty acres ; heirs of George Dyer, one-third of a league ; John C. Duncan, six hundred and forty acres ; Hiram Walker, five million nine hundred and seventy-three thousand eight hundred and seventy-eight square varas ; Robert Rose, unconditional certificate for three hundred and twenty acres ; heirs of P. J. Wyche, one-third of a league ; heirs of Z. H. Short, one-third of a league ; Calvin Shipman, six hundred and forty acres ; heirs of D. P. Richardson, six hundred and forty acres ; John M. Louis, three hundred and twenty acres ; heirs of James M. Rose, one-third of a league ; Wiley Barnes, three hundred and twenty acres ; Alonzo B. Follett, three hundred and twenty acres ; and the heirs of Thomas A. Howell, one league and one labor.

The following claims, embraced in the same portion of said report, were severally rejected, for the reasons stated, viz : the heirs of William J. Cowan for one-third of a league—there being no evidence establishing the right of said Cowan to land ; heirs of Eliza A. Farris for first class head-right—no proof whatever that the said Eliza A. was the head of a family ; heirs of William Davis, one-third of a league—no sufficient proof ; heirs of C. P. Hartt, one-third of a league—proof insufficient ; heirs of William H. Sorrell, two-thirds of a league and one labor—proof not in conformity to law ; and the heirs of William Gray, one thousand two hundred and eighty acres—proof not sufficient.

We are, therefore, instructed by the committee to report the accompanying bill, and respectfully recommend its passage Report received.

BILLS AND RESOLUTIONS.

Mr. Powell introduced a bill for the relief of the sheriff of Montgomery county ; read first and second times, and referred to the Judiciary committee.

Mr. Haynes of Starr introduced a bill to create the county of Zapata, (in honor of Antonio Zapata) and attach it to the twelfth Judicial District ; read first and second times, and referred to the committee on County Boundaries.

Mr. Kirk introduced a bill to regulate patrols and prescribe their duties ; read first and second times, and referred to the committee on Slaves and Slavery.

On motion of Mr. Carroll, the rule was suspended, and a bill for the relief of Flarinda Dixon taken up ; referred to the committee on Public Lands.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills, originating in that Body :

A bill to increase the Special School Fund.

A bill for the relief of Harvey Trotter.

A bill for the relief of James G. Collier, assignee of Joshua Collins.

A bill, originating in the House, to require the Commissioner of the General Land Office to issue a duplicate certificate to Levi Korn on certain conditions.

And that the Senate had concurred in the House's amendment to a bill to remove the disabilities of minority from James N. Scott, *et al.*

Mr. Munson moved to suspend the rule, and take up the report of the committee on Claims and Accounts on a bill for the relief of the widow and children of Samuel Swartout and others.

Mr. Locke moved to lay the motion on the table. Whereupon the yeas and nays were called, and the House refused to suspend the rule by the following vote :

YEAS—Messrs. Speaker, Burks, Carroll, Craig, Crook, Edwards, Evans of McLennan, Everett, Gaston, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Holland, Jennings, Johnson, Lacy, Lesueur, Lewter, Locke, Lloyd, McKenney of Hopkins, Merriman, Norton, Poag, Rainey, Ross, Runnels, Smith of Fannin, Walling, and Wood—35.

NAYS—Messrs. Aycock, Baldwin, Bee, Bishop, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Crawford, Dalrymple, Dennis, Doom, Evans of Austin, French, Hall, Haynes of Starr, Hicks, Howerton, Joseph, Kinney, Kirk, Kittrell, Latham, Lee, McKinney of Travis, Murrah, Powell, Price, Reeves, Rhodes, Scott, Shelton, Smith of Orange, Tait, Ward and Waterhouse—37.

Question pending when the House adjourned yesterday, viz: Mr. Crawford's motion to lay Mr. Reeves' motion to reconsider the vote adopting the report of the committee of conference on the disagreement of the two Houses on the Senate's amendment to a House bill to pay a company of mounted volunteers, called into service by the Governor, taken up.

A call of the House was ordered. Absentees—Messrs. Burnett, McKinney of Travis, and Shannon.

On motion of Mr. Chilton, Mr. Burnett was excused.

On motion of Mr. Upshaw, the sergeant-at-arms was sent for absentees.

Mr. Smith of Fannin moved to suspend the call ; lost.

On motion, Mr. Chilton was excused for a few minutes.

On motion, Mr. Jennings excused for a few minutes.

Mr. Bee proposed that Mr. Chilton pair off with Mr. Shannon.

Mr. Poag moved suspension of call ; lost.

Mr. Crawford moved a suspension of call ; lost.

Mr. Edwards moved to excuse absent members ; lost.

Mr. Chilton moved a suspension of call ; lost.

On motion of Mr. Crook, the call was suspended.

Question recurring upon the motion of Mr. Crawford to lay the motion to reconsider on the table, the same was put, and carried by the following vote :

YEAS—Messrs. Speaker, Baldwin, Bee, Bishop, Carroll, Cleveland Clow, Collier, Cooley, Craig, Crawford, Dennis, Doom, Evans of Austin, French, Hall, Hardeman, Hardin, Harris of Guadalupe, Haynes of Starr, Henderson of Cass, Hicks, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Latham, Lee, McKenney of Hopkins, Merriman, Munson, Navarro, Powell, Rainey, Reeves, Runnels, Shannon, Scott, Smith of Fannin, Smith of Orange, Upshaw and Ward—44.

NAYS—Messrs. Aycock, Barnard, Burks, Chance, Chilton, Crook, Dalrymple, Edwards, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Haynes of Washington, Holland, Kirk, Lacy, Lesueur, Lewter, Locke, Lloyd, McKinney of Travis, Mills, Murrah, Norton, Poag, Price, Rhodes, Roberts, Rogers, Ross, Shelton, Tait, Walling, Waterhouse, Witt and Wood—38.

Mr. Lee moved to excuse Mr. Chilton from voting, on the ground that he had agreed to pair off with Mr. Shannon. The House refused to excuse him.

Mr. Jennings, Chairman of the committee on the Judiciary, by leave, reported as follows :

“The Judiciary committee, to whom was referred a bill to be entitled an act to secure a fair and impartial trial in criminal cases, under certain circumstances,” with another bill, already reported upon, have carefully considered the matters

involved in said bill, and instruct me to report the accompanying substitute, and to recommend its passage. The unfortunate state of excitement and illegal violence in a particular part of the State, which has been in the view of your committee while framing the substitute, is too well known to require comment here. Your committee trust the remedy proposed by them will be found to avoid the extreme of doing nothing to vindicate the ascendancy of the law over reckless combinations, to violate the rights and prostrate the business of that useful class of our citizens, common carriers, and the other equally to be deprecated extreme, of harshly trampling upon the guarantees of the law, under the pretence of vindicating its violated majesty.

Your committee present the substitute as in their opinion consistent with the analogies of the law, and with the precedence in England and the older States, and as affording, if adopted, the most appropriate and effective remedy for the evil in question.

Messrs. Price and Munson have requested the undersigned to say that they dissent from the remedy now reported by your committee."

Report received and bill read first time, and two hundred copies of bill on motion of Mr. Ross ordered to be printed.

Mr. Edwards introduced a Joint Resolution authorizing the Government to draw and distribute the arms from the U. S. Government to which the State of Texas is entitled.

Read first and second times, and referred to committee on Military Affairs.

Mr. Bee, Chairman of the committee on State Affairs, by leave, made the following report :

The Committee on State Affairs have examined an act to amend the first section of an act to encourage the building of Steam Boats, Ships and other vessels in the State of Texas, and report that the object contemplated is to extend the bounty of land to all vessels of twenty-five tons and upwards, which may be built in the State—the present law confines the donation to fifty tons and upwards, and in the opinion of your committee, the encouragement offered by the State will tend to develop an important interest, and should be continued. That a vessel of 25 tons is sufficiently large to navigate the ocean, and yet ply on our rivers, while the vessels of the larger class not being able to navigate the rivers—are not built

in the State. They recommend the passage of the bill ; report received.

Also made the following report :

The committee on State Affairs have examined a bill from the Senate, "providing for a Geological and Agricultural Survey of the State" and have instructed me to report a substitute for the same and recommend its passage ; report received.

Mr. Rainey, Chairman of Committee on Internal Improvements, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred a bill entitled an act to amend the 8th section of an act to encourage the navigation of the rivers and other navigable waters in Texas, by making appropriations for the same, have had the same under consideration, and instruct me to report the accompanying bill back to the House and recommend its passage :

A majority of your committee, after investigation, were of the opinion that the act entitled an act "to encourage the improvement of the navigation of the rivers and other navigable waters in Texas. by making appropriations for the same, passed August 1st 1856, intended to appropriate and did appropriate the sum of fifteen thousand dollars for the improvement of the navigation of the Sabine river, whenever the State of Louisiana should make a similar appropriation, and actually expend the same upon said stream, and that said appropriation was set apart as a separate and distinct fund, and was not intended to be embraced in the three hundred thousand dollars appropriated and set apart as a special fund for the improvement of the navigable rivers, bayous, lakes and bays of Texas. A minority of the committee, composed of the Chairman, Crook, Harris and Harrison were of the contrary opinion, and believe that the act of August 1st, 1856, was only designed to set apart one distinct fund for the improvement of rivers, bayous, lakes and bays in Texas, and did not intend to discriminate in favor of streams contiguous to adjacent States, and against the interior streams of our own, especially when only half the benefits resulting from the navigation of the former would be enjoyed by the State of Texas.

On motion of Mr. Hicks bill and report taken up, and referred to the committee on the Judiciary.

Mr. Rainey, by leave, introduced a bill, to be entitled an act to incorporate the Tennessee colony Masonic Institute ; read 1st and 2d times and referred to committee on Education.

ORDERS OF THE DAY.

On motion, orders of the day and business on the Speaker's table taken up.

A bill for the relief of Ben. F. Ellis, passed to 3d reading, rule suspended, read 3d time and passed.

A bill to incorporate the Fire Association of the city of San Antonio ; read and ordered to be engrossed.

A bill to incorporate the town of Marlin ; read and ordered to be engrossed.

A bill to incorporate the Beneficiary Association of San Antonio ; read and ordered to be engrossed.

A bill to create the county of Breckenridge, read, amended, and ordered to be engrossed ; rule suspended, read 3d time and passed.

A bill supplementary to, and amendatory of an act, approved February 4, 1854, entitled an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c., with report from committee on roads, bridges and ferries, recommending substitute, taken up, and on motion of Mr. Locke, recommitted to committee on roads, bridges and ferries.

A bill for the relief of S. A. Thurmond, taken up and House refused to engross by a vote of 47 yeas to 27 yeas.

Mr. McKinney of Travis, by leave, introduced the petition of P. W. Humphries ; referred to committee on claims and accounts.

A message was received from the Senate announcing to the House the passage by that body of the following bills, originating in the House, viz :

A bill to be entitled an act authorizing the Clerk of the county court of Grayson county to transcribe into a bound book, to be procured by him, all records hereinafter mentioned.

A bill to be entitled an act prescribing the manner of recording the votes for Governor and Lieut.-Governor.

An act to amend an act to incorporate the town of Greenville.

An act to incorporate the Richmond Masonic Hall Association in Fort Bend county.

Also the following bills with amendments :

An act for the relief of Louisa Warren.

An act to repeal an act supplementary to an act for the relief of the citizens of Mercer's Colony, passed February 2d, 1850, approved August 3d, 1856.

An act for the relief of Wm. Lee.

Mr. Norton moved to reconsider the vote taken on yesterday adopting the report of the majority of the Judiciary Committee, relative to advertising forced sales of real estate and negroes, and sales of executor's, &c., in newspapers ; on motion of Mr. Reeves laid on the table.

On motion of Mr. Hart the House adjourned until half-past nine o'clock, on to-morrow.

AUSTIN, December 12th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

On motion of Mr. Aycock two hundred copies were ordered to be printed of a bill to be entitled an act supplementary to and amendatory of an act to regulate Railroad companies, approved February 7th, 1853.

On motion of Mr. Burnett, Mr. Collier was excused from attendance on the House for twelve days.

Mr. Kittrell offered the following resolutions which were adopted :

Whereas, This Legislature has learned with profound sorrow the sudden decease of the Rev. DANIEL BAKER, who breathed his last in this city, at 15 minutes before 6 o'clock, on the 10th instant. Therefore—

1st. *Resolved*, That it is the sense of this body that in the death of Dr. Baker the Church has lost one of its main pillars and brightest ornaments, the cause of education one of its most useful and active friends, and the State at large a public benefactor and warm-hearted philanthropist.

2d. That we deeply sympathize with his afflicted family in their sad bereavement, and that we tender them our most sincere condolence.

3d. That a copy of these resolutions be sent to the family of the deceased, and a copy to each of the papers published in the town of Huntsville.

On motion of Mr. Kittrell, the House adjourned until 9½ o'clock, A. M., on Monday next.

AUSTIN, December 14th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of the 12th inst. read and adopted.

PETITIONS.

Mr. Howerton presented the petition of E. M. Edwards ; referred to committee on Private Land Claims.

Mr. Norton presented the petition of J. W. Johnson and forty-one other citizens of Kaufman county ; referred to the Judiciary committee.

Mr. Scott presented the petition of sundry citizens, praying the passage of a law to recognize the Christian Sabbath ; referred to Judiciary committee.

Mr. Johnson presented the petition of Solomon Wolf and others ; referred to the committee on Roads, Bridges and Ferries.

Mr. Kinney presented the petition of John Chain ; referred to Private Land Claims committee.

And the petition of Catherine R. S. Jones ; referred to Judiciary committee.

And the petition of Wm. H. Jones ; referred to committee on Land Office.

Mr. Hicks presented the petition of sundry citizens of Jasper county to be attached to the 15th Judicial District ; referred to the committee on Judicial Districts.

Also, the petition of sundry citizens of Newton county to be attached to the 15th Judicial District ; referred to committee on Judicial Districts.

Mr. Wood presented the petition of Alex'r Patrick ; referred to committee on Public Debt.

Mr. Clow presented the petition of sundry citizens of Jackson county ; referred to the committee on State Affairs.

Mr. Harris of Titus presented the petition of sundry citizens of Titus county ; referred to committee on Roads, Bridges and Ferries.

Mr. Buckley presented the petition of Thos. J. Smith ; referred to committee on Public Lands.

And the petition of M. Montgomery ; referred to committee on Private Land Claims.

Also, the petition of Elijah Moore ; referred to committee on Private Land Claims.

Mr. Lesueur presented the petition of forty citizens of Robertson county ; referred to committee on State Affairs.

Mr. Barnard presented the petition of sixty-three citizens of Goliad county ; referred to Judiciary committee.

Mr. Chance presented the petition of Eli Kirk for use of F. Dieterich ; referred to committee on Claims and Accounts.

Mr. Higgins presented the petition of Thomas H. Mays ; referred to Judiciary committee.

Mr. Cooley presented the petition of sundry citizens of Comal county ; referred to committee on County Boundaries.

Mr. Norton, one of the committee on Counties and County Boundaries, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Counties and County Boundaries, to whom was referred the petition and remonstrance of sundry citizens of Llano county, in regard to the location of the seat of justice of said county, have had the same under consideration, and a majority of said committee have instructed me to report the accompanying bill to the House and recommend its passage.

Report received and bill read first time.

Mr. Dalrymple, one of the committee on Counties and County Boundaries, made the following report :

HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to create the county of Zapata, in honor of Antonio Zapata, and to attach it to the 12th Judicial District, have had the same under consideration, and have instructed me to report it back to the House and recommend its passage. Report received.

Mr. Howerton, one of the committee on Private Land Claims, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Edward Seeligson, have had the same under consideration, and after maturely considering the same, are of the same opinion expressed by them in a former report on same petition, where they recommended a general bill granting the relief, which general bill having failed to pass, this committee has instructed the undersigned to report, that they find from proof of an ample and unexceptionable charac-

ter, both from the Surveyor of the District and the General Land Office record, that the grants of H. R. Eyles, one of Powers and ——— Colonists conflicted with other and older grants, made in said Colony, to the extent of 975 acres ; that said Seeligson, petitioner, claims to be the assignee of said Eyles and proved the same. Your committee believe that said petitioner is entitled to the relief sought, and therefore report the accompanying bill and recommend its passage.

Report received and bill read first time.

Mr. Howerton made a motion to suspend the rule and take up the accompanying bill ; lost.

Mr. Munson, one of the committee on Claims and Accounts, made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The petition of James and Michael Magee, residents of the City of Philadelphia, and State of Pennsylvania, showing that in the early struggle of the late Republic of Texas they furnished supplies for the use of her army and civil officers, and received in compensation thereof certain evidences of debt, executed and delivered to them by the proper authorities of the Republic, amounting in the aggregate, on the 23d of January, A. D. 1843, inclusive of interest, to the sum of seven thousand and nineteen dollars ; in proof of which facts, receipts marked A and B were offered, executed and delivered to petitioners by Wm. Henry Dangerfield, late Secretary of the Treasury of the Republic.

Petitioners now ask that Land Scrip be granted to them in liquidation of their demand, at the rate of fifty cents per acre. The committee on Claims and Accounts, to whom was referred said petition, have attentively examined the same, are satisfied of the genuineness of petitioners' claim, and are further satisfied that no part of the same has yet been paid ; but your committee believe it inexpedient and unjust to grant the relief sought, regarding the law of 1841, sec. 2,048, 2,132, 2,155, Hartley's Digest, as making adequate and ample provision for the liquidation of all such claims ; and further, your committee are convinced, that these parties are unpaid, in consequence of their own neglect, having accurate knowledge of all the laws. Your committee would further state that many persons, to whom the Republic owed large sums, for the same class of claims, came forward and settled under the provision

of the law of 1841, and that all of said claimants are as equitably entitled to relief as these petitioners. Your committee are unwilling to recommend that all laws heretofore enacted, with a view to the full and fair settlement of this class of debts, should now be disregarded; wherefore, they instruct me to report adverse to this petition. Report adopted.

Mr. Johnson, one of the committee on Engrossed Bills, made the following report:

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Engrossed Bills, to whom was referred sundry bills, to-wit: A bill to be entitled an act for the relief of Polly Guthrie and heirs of Andrew Jones, deceased; a bill to be entitled an act authorizing and requiring all forced sales of negroes and real estate, made by executors and administrators, in Calhoun county, to be made at the door of the Cassimer House in the city of Indianola; a bill to be entitled an act for the relief of John J. E. Gregory, have examined the same, and report them correctly engrossed. Report accepted.

A communication taken from the Speaker's table relative to the late contested election between Messrs Powell and Lewis; by motion of Mr. Kirk, laid on the table.

Mr. Mills, one of the Special committee, made the following report:

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The Special committee of the House, to whom was referred a resolution enquiring into the expediency of providing relief for the people of certain counties in the State, which have failed to make crops during the last season, here report that they have diligently enquired into the condition of the counties herein named, and they find that the people thereof have failed to make crops the present year—some of them have failed for the two years past—and that they are satisfied there is not sufficient corn for bread and seed corn for the people; that in many places the people have not had bread for weeks, and though the amount here recommended is insufficient, yet it will be of great service to save actual suffering. They here report the accompanying bill, and earnestly ask its passage.

Report received and bill read first time.

On motion of Mr. Ross, two hundred copies of the bill ordered to be printed.

BILLS AND RESOLUTIONS.

Mr. Lee introduced a bill to grant land scrip to Samuel St. John, read first and second times and referred to committee on Public Debt.

Mr. Shannon introduced a bill to authorize the people of Tarrant county to relocate the county seat of said county; read first and second times and referred to committee on County Boundaries.

Mr. Chilton introduced a bill to incorporate the Adelphi Association of Mound Prairie Institute; read first and second times and referred to committee on State Affairs.

Mr. Buckley introduced a bill to amend the 64th section of an act to organize Justices' Courts, &c.; read first and second times and referred to Judiciary committee.

Mr. Locke introduced a bill to incorporate the town of Gilmer; read first and second times and referred to committee on State Affairs.

Mr. Ward offered the following resolution:

Resolved, That the Judiciary committee be instructed to consider the 29th section of the 3d article of the Constitution, and to report whether or not the proper construction of that provision will require an extra session of the Legislature to be held, in order to make the apportionment contingent upon the next enumeration. Adopted.

Mr. Henderson of Cass offered the following resolution:

Resolved, That the services of the Reporter be dispensed with for to-day. Adopted.

Mr. Aycock introduced a bill to incorporate the Freestone School Association; read first and second times and referred to committee on State Affairs.

Mr. Ward introduced a bill to amend an act supplemental to the act of January 28th, 1840, concerning Wills, and authorizing persons to dispose of their estates by Will; read first and second times and referred to Judiciary committee.

Mr. Doom introduced a bill for the relief of the legal representatives of S. C. King; read first and second times and referred to committee on Private Land Claims.

And a bill for the relief of Mary Ann Long; read first and second times and referred to committee on Private Land Claims.

Mr. Lesueur introduced a bill to define the third Judicial District, and to fix the time of holding courts therein; read

first and second times and referred to the committee on Judicial Districts.

Mr. Hall introduced a bill for the relief of the Heirs of Stephen Prather, Jr., deceased; read first and second times and referred to committee on Private Land Claims.

Mr. Smith of Orange introduced a bill to amend the second section of an act to incorporate the town of Madison, in Orange county, passed September 1st, 1856; read first and second times and referred to committee on State Affairs.

Mr. Ward introduced a bill to incorporate the town of Jefferson; read first and second times and referred to committee on State Affairs.

Mr. Clow offered the following resolution:

Resolved, That the committee on Public Buildings be instructed to enquire into the present condition of the building occupied by the Deaf and Dumb and Blind; the cost of procuring said buildings, and the expediency of leasing, renting, or erecting suitable buildings for said institutions in future, and report by bill or otherwise. Adopted.

On motion of Mr. Everett, the rule was suspended, and a bill for the relief of Andrew J. Coupland taken up and passed to a third reading; rule further suspended, read third time and passed.

Mr. Dennis, one of the Judiciary committee, by leave, reported as follows:

HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to regulate the salaries of District Attorneys, have had the same under consideration, and instruct me to report, that in the opinion of your committee the salary now allowed District Attorneys is not sufficient. They are, on an average, absent from home about twenty-eight weeks in the year, in attendance on courts in discharge of their official duties. Their necessary expenses in going to and returning from the courts, and while in attendance on the same, will consume the salary now allowed them, and they are left alone to the perquisites of the office for their profits, which, in most of the districts, amounts to but very little. Hence it is, that no lawyer, with even a moderate practice, can be induced to take the office, and the offices must be filled by young men, who, although they may possess the talent, want the expe-

rience to enable them to contend successfully with the counsel for the defence—of age and experience that they must necessarily meet in discharge of their duties; and thus it is that the guilty often go unwhipped of justice.

If we desire the criminal laws of the country rigidly enforced, we must entrust their administration to officers who understand them, and who, understanding them, have the talent and the energy to put them in execution. And we cannot expect to employ learning, talent and energy without paying for it. The office of public prosecutor is often looked upon as an ungracious one, and we need not hope that a lawyer, qualified to discharge its duties, would be willing to take the *honors* of it for the compensation of it.

But it is not because of the administration of criminal law only that the State needs in this office a lawyer of talent, learning and experience. The collection of moneys due the State, from defaulting assessors and collectors, and the protection of the interest of the State in civil suits generally devolves upon them, and it is not difficult to see how inexperience, or a want of learning, may do the State more damage in one year than she may save in five by the parsimonious compensation she extends to these officers; hence to cheapen the services of our District Attorneys is penny-wise and pound foolish. Your committee therefore instruct me to report the accompanying substitute for the bill and recommend its passage. Report received.

The following bills originating in the House, and amended by the Senate, were taken up and amendments concurred in by the House:

A bill for the relief of Louisa Warren.

A bill for the relief of Wm. Lee.

A bill to repeal an act supplemental to an act for the relief of the citizens of Mercer's Colony, passed February 2nd, 1850, and approved August 30th, 1856.

Mr. Poag introduced a joint resolution relative to the impeachment of John C. Watrous, Judge of the Federal Court for the Eastern District of Texas; read first and second times and referred to Judiciary committee.

Mr. Chilton offered the following resolution:

Resolved, That the committee on State Affairs be instructed to inquire into the expediency of increasing the tax upon "transient peddlers" of merchandize or other wares, and report by bill or otherwise; adopted.

Mr. Lee, by leave, presented the petition of Elizabeth Stanley ; referred to committee on Private Land Claims.

Also, the petition of Peter M. Mercer ; referred to same committee.

Mr. Smith of Orange, introduced a bill to incorporate the "Eastern Texas Railroad Company ;" read first and second times and referred to committee on Internal Improvements.

The special order, viz : The consideration of the University question, taken up and on motion of Mr. Price, postponed until Wednesday next.

On motion of Mr. Hart, the rule was suspended and a bill to provide for the enumeration of the inhabitants of the State, taken up ; read second time.

Mr. Lesueur proposed to amend by inserting "August" after the word "Monday" in Section third ; adopted.

Mr. Hart proposed to amend by striking out 5 cents for each white person, and inserting 4 cents.

On motion of Mr. Reeves, laid on the table, and bill ordered to be engrossed.

On motion of Mr. Hart, the rule was further suspended and the bill read third time and passed.

The following Senate bills were taken from the Speaker's table, read first and second times and referred as marked :

A bill to increase the Special School Fund ; referred to committee on Education.

A bill for the relief of Harvey Trotter ; referred to committee on Private Land Claims.

A bill for the relief of Jas. G. Collier, assignee of Joshua Collier ; referred to same committee.

A bill for the relief of Geo. R. Rains ; referred to same committee.

A bill for the relief of Jacob Long ; referred to same committee.

A bill concerning bills of Exchange ; referred to Judiciary committee.

A bill to incorporate the Texas Life, Fire and Marine Insurance Company, of the city of Galveston in Texas ; referred to committee on State Affairs.

A bill to permit free persons of African descent to select their masters and become slaves ; referred to Slaves and Slavery committee.

A bill donating 320 acres of land to Palo Pinto county ; referred to committee on Public Lands.

A bill to incorporate the Texas Baptist Publication Society ; referred to committee on State Affairs.

A bill to incorporate the Alamo Rifles ; referred to committee on Military Affairs.

A bill to authorize the Governor to order out mounted Volunteers on the South-Western Frontier ; referred to committee on Military Affairs.

A bill to incorporate the city of Indianola ; referred to committee on State Affairs.

An act to consolidate into one and amend the several acts incorporating the town of Rusk in Cherokee county ; referred to committee on State Affairs.

Mr. Chilton, Chairman of committee on Finance, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives,

The committee on Finance to whom was referred the biennial Report of the Comptroller of Public Accounts for the years 1856 and 1857, has had so much of said Report under consideration as contains a suggestion of the necessity for the immediate disposal of \$100,000 worth of U. S Bonds in exchange for coin, and instruct me to report, that your committee is convinced that there is a pressing necessity for such disposal; and having full confidence in the capacity of our Comptroller to negotiate a favorable exchange, would submit to your honorable body the accompanying bill, and recommend its early passage ; report received.

On motion of Mr. Jennings, the rule was suspended, the report and bill taken up ; report adopted, bill read first and second times and ordered to be engrossed ; rule further suspended, read third time and passed.

A message was received from the Senate announcing to the House that the Senate had passed the following bills originating in that body :

A bill to allow a Special Deputy Surveyor in certain cases to sign official acts and papers.

A bill to amend the 2nd Section of an act to re-organize the 8th Judicial District, and define the time of holding Courts therein.

A bill for the relief of Thomas Stayton.

A bill to continue in force an act making provisions for running and marking the boundary line between Texas and the Territory of the U. S., approved 2nd February, 1856.

A bill granting a donation of 1280 acres of land to Juana N. Alsberry.

Also a bill, originating in the House, to quiet the title to Real Estate in the city of Austin, with an amendment.

A bill to be entitled "an act to definitely define the Northern Boundary line of the Mississippi and Pacific Railroad Reserve ; read third time and passed.

A bill to be entitled an act supplementary to and amendatory of an act making provision for running and marking the boundary line between the State of Texas and the Territories of the United States of America, taken up and ordered to be engrossed, rule suspended, read third time and passed.

A bill to be entitled an act amendatory of an act entitled an act to incorporate the European and American Colonization Society in Texas, taken up and on motion of Mr. Edwards, postponed until Saturday next.

Mr. Edwards offered the following resolution which was adopted :

Resolved, That the committee on Military Affairs be instructed to enquire into the necessity of revising the Militia Laws of this State, and report by bill or otherwise at their earliest convenience.

A bill to authorize the County Courts to establish or discontinue private roads, with a report from the committee on Roads, Bridges and Ferries, recommending its indefinite postponement, taken up and report adopted.

A bill for the relief of the trustees and patrons of the School Districts in the several counties who have not heretofore received their portions of the School Fund to which they were entitled by an act of the 31st January, 1854, entitled an act to establish a System of Schools, with a substitute from the committee on Education, taken up and substitute adopted.

Mr. Crook offered the following amendment which was adopted : Amend by adding at the end of Section 2 the following words : " Taught in the years 1854 and '55, and that this law shall not be so construed as to apply to districts where there was no school organized in accordance with said act."

Mr. Kittrell offered the following amendment : after word trustees in 2d line 2d Section, " and in case there be no trustees then two or three of the responsible patrons of said schools who shall distribute the funds as directed.

Mr. Buckley moved to re-commit the bill—lost.

The bill was then ordered to be engrossed, rule suspended, read third time and passed.

A resolution authorizing the committee on Roads, Bridges and Ferries to report on the expediency of making Ferries, &c., free to all residents of the county in which said ferry or bridge is situated, with a report from the committee on Roads, Bridges and Ferries, adversely to the adoption of said resolution, taken up and report adopted.

A bill to change the name of Permelia J. Wright and her infant daughter Jessie Wright and to fix the guardianship of said infant, with a report from the committee on State Affairs asking to be discharged from the further consideration of the same, taken up and report adopted.

A bill to be entitled an act to incorporate the German Free School Association of the city of Austin, taken up and bill ordered to be engrossed, rule suspended, read third time and passed by a two-third vote.

A bill to be entitled an act providing for a new trial in the case of the State of Texas vs. John Jackson, determined in the District Court of Sabine county ; read second time.

Mr. Buckley moved to postpone the bill indefinitely.

Mr. Locke, Chairman of committee on Enrolled bills, reported correctly enrolled.

An act for the relief of Andrew J. Coupland.

A bill to be entitled an act to incorporate the Richmond Masonic Hall Association in Fort Bend county.

A bill to be entitled an act authorizing the Clerk of the County Court of Grayson County to transcribe into a bound book to be procured by him, all records hereinafter mentioned.

An act to amend an act to incorporate the town of Greenville.

An act prescribing the manner of recording the vote for Governor and Lt. Governor.

An act authorizing the Commissioner of the General Land Office to issue a duplicate certificate to Levi Korn on certain conditions ; report accepted.

On motion of Chilton, the House adjourned until 9½ A. M. to-morrow ; pending Mr. Buckley's motion to postpone indefinitely the bill for the relief of John Jackson.

AUSTIN, December 15th, 1857.

House met pursuant to adjournment—roll called, quorum present—Journal of yesterday read and adopted.

On motion of Messrs. Ward, Shannon and Chilton, Messrs. Everett, Carroll and Chance, were excused, respectively. Mr. Chance, excused for ten days from attendance on the House.

PETITIONS.

Mr. Barnard presented the petition of Chas. A. Russell ; referred to committee on Claims and Accounts.

Mr. Hardeman presented the petition of J. C. Sheffield ; referred to committee on Private Land Claims.

Mr. Ross presented the petition of sundry citizens of Rusk, Nacogdoches, Panola and Shelby counties, for new counties ; referred to committee on Counties and County Boundaries.

Mr. Lesueur presented the petition of sundry citizens of Milam county ; referred to committee on Counties and County Boundaries.

Mr. Navarro presented the petition of Manuel Yturri Castillo ; referred to committee on State Affairs.

Mr. Edwards presented the petition of Margaret McCormick ; referred to committee on Claims and Accounts.

Mr. Johnson presented the petition of Marshall and Oldham ; referred to committee on Finance.

Mr. Bishop presented the petition of sundry citizens of Young county ; referred to committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, chairman of committee on Education, reported recommending the passage of a bill to incorporate the Tennessee Colony Masonic Institute ; report received.

Also reported as follows :

The committee on Education have examined the memorial of Dr. Jennings, offering the situation where the deaf and dumb school is now being taught, to the State for a permanent location for said institute, and in connexion with it the subject of the propriety of purchasing a permanent location for the Deaf and Dumb Institution. Your committee would suggest that as the Legislature will probably decide to continue the policy, it would be best to locate permanently the Institution, where the necessary improvements could from time to time be made according to the growth and wants of the school. They deem the present a favorable time to purchase a site on account of the depreciated value of property.

It being perhaps the most favorable time that will offer for some time to come, if ever. They consider the practice of renting from year to year as bad policy, inasmuch as such improvements can not be made, as may be required by the growth of the school and the comfort of the pupils. In reference to the propriety of purchasing the present site of the school, which is offered to the State by Dr. Jennings, your committee are of the opinion that it is an eligible situation, and perhaps offers as many advantages as any other and could be procured on as favorable terms, yet they are unwilling to restrict the Trustees or any other Commission in whom may be vested the power to purchase to any particular location, but think that a necessary discretion should be vested in them in regard to this matter. Your committee would further suggest that they be required first to examine the different sites in and around the city belonging to the State, to ascertain if a proper situation can be had thereon, if not, then elsewhere.

They instruct me to report the accompanying bill and recommend its passage, report received, and bill read first time.

Mr. Munson, one of the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred a bill to extend to those who served in the Navy the same bounties of land as allowed to the army, have had the same under careful consideration, and find that the Texas Navy consisted of the Schooner Invincible, Capt. Jere Brown, and about one hundred men all told; Schooner Brutus, Capt. Wm. Hurd, and about the same number of men; Schooner Independence, Commodore Hawkins and Commodore——100 men; Schooner Liberty, Capt. Wm. Brown, about 50 men all told, being about 350 men and officers, near three-fourths of whom, since scattered over the world, have died in poverty unknown and uncared for (The Sailors fate.)

Your committee have further ascertained that but little prize money was ever received by the Sailors of the Texas Navy, and believe them as a class eminently deserving compensation, but your committee are also satisfied that three-fourths or more of these claimants are now dead and many of them without families.

In consideration of which facts the committee is willing to recommend, that the Sailors who served in the Navy of the late Republic of Texas and are now alive, receive the same bounties of land as allowed to the army. But in their wisdom

they are satisfied, that should a general relief bill pass, it would give little relief to parties intended to be benefitted, but that unworthy individuals would become the principal beneficiaries.

In consequence of which considerations the committee instruct me to report the accompanying bill and recommend its passage, report received.

Mr. Buckley, chairman of committee on Private Land Claims, reported recommending the passage of a bill for the relief of the heirs of Y. G. Dallahite.

COMMITTEE ROOM, }
December 14th, 1857. }

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims to whom the petition of the heirs of Y. G. Dallahite was referred, have had the same under consideration and instruct me to report : That from the evidence exhibited before them, they find that Y. G. Dallahite emigrated to the Republic of Texas previous to the 7th day of December, 1839, as a single man, and on that day obtained a conditional certificate for 320 acres of land. That in the year 1841 he moved, and became the head of a family, that on the 20th day of April, 1844, said Y. G. Dallahite applied to the Board of Land Commissioners of Houston county for an unconditional certificate, when said Board granted to him an unconditional certificate for 640 acres, including the augmentation, to which he was entitled by virtue of having married within the time prescribed by the acts granting Head-right certificates to emigrants. Your committee further find that the Commissioner of the Court of Claims refused to approve said unconditional certificate for more than 320 acres, but for what cause your committee are unadvised. Your committee are advised and believe that, by the uniform construction given to the several acts of 1839 and 1840, granting land to emigrants, a man who emigrated to Texas after the 1st day of October, 1837, as a single man, and obtained a certificate for 320 acres of land, and afterwards married before the 1st day of January, 1842, thereby became entitled to an augmentation of 320 acres additional to the quantity originally granted him, and upon such augmentation it has been the uniform custom of the Commissioner of the General Land Office to issue patents until the establishment of the Court of Claims

by the last Legislature of the State ; since which time the Commissioner of said Court, (whose duty it is to reject or approve all certificates, by virtue of the act creating said Court,) has refused to approve head-right certificates similar to the one under consideration. Your committee are of the opinion that the course pursued by the Commissioner of the Court of Claims in regard to such certificates is unauthorized, and not sanctioned by the true spirit and meaning of the laws of Texas to encourage emigration and granting lands to emigrants. They also find that said Dallahite died some years since, leaving heirs still residing in this State, and that the petitioners are entitled to the relief they seek ; therefore, submit the accompanying bill to that effect, and recommend its passage.

C. W. BUCKLEY,
Chairman.

Report received.

Also, reported as follows :

The committee on Private Land Claims, have examined the petition of Susana Law and M. Montgomery, and report that the former claims 320 acres of land as one of Peters' Colonists. The petitioner did not enter the limits of said Colony, within the time required by law, to entitle her to a grant of land.—The latter came to Texas in 1836, and served in the army six months, and was honorably discharged ; after which he left Texas and was absent so long that he lost his citizenship in Texas, and has not furnished us any evidence that he returned in time to entitle him to lands : wherefore they report said claims back to the House and ask to be discharged from the further consideration thereof ; report received.

Also reported a bill for the relief of Elijah Moore, and recommended its passage, report received and bill read first time.

Mr. Howerton, one of the committee on Private Land Claims reported as follows :

The committee on Private Land Claims, to whom was referred the memorial of Samuel D. Sullivan, Lazores Price, and a bill for the relief of Jno. R. Parker, have examined the same and instruct me to report, that if the parties are entitled to any relief they can obtain they same under the provisions of a general bill now pending before the House, providing for all such cases ; they therefore ask to be discharged from their further consideration, report received.

Mr. Shelton, one of the committee on Claims and Accounts,

reported that said committee had examined the petition of Horatio Grooms, and report: That petitioner claims money due him by account for traveling, mileage and other expenses incurred in the recruiting service of the late Republic of Texas in the year 1836 amounting in all to the sum of \$3,402 00, which account with accompanying vouchers have been presented to the Court of Claims, for adjudication. But for the want of proper vouchers to sustain all of said claims only \$404,-60 were allowed. Petitioner states that his vouchers, are lost. He therefore asks for Legislative relief for the balance of his claim, \$2,997 40.

Your committee are willing to admit that there is probably a further amount due petitioner, but they are unwilling to recommend to the favorable consideration of the House any claim upon testimony which would be insufficient to establish it before the Court of Claims, as they would thereby open the door to other claims of less, or perhaps no merit, thereby adopting a policy which would be ruinous in its consequences to the interest of the State.

Your committee recommend that no further action be had upon the petition and that petitioner have leave to withdraw the same with accompanying documents; report adopted.

Mr. Howerton, one of the committee on Private Land Claims, made the following report;

The committee on Private Land Claims, to whom was referred the petition of Sam Jordan, and a bill and substitute for the relief of Charles Gilchist and Stephen Jones, have had the same under consideration, and instructed the undersigned to report, that they are of the opinion that the same is more properly referable to the committee on Public Lands, and therefore report them back to this House and recommend their reference to said committee, and ask to be discharged from any further consideration thereof; report adopted.

Mr. Kittrell, one of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred a bill for the relief of Randall Jones, have examined the same, and instruct me to say, that said bill was placed before them without any accompanying proof; consequently your committee in view of the uncertainty of the genuineness of many claims which seemingly have good proof, and in accordance with a rule which they have adopted in all cases, requiring strict proof, they are compelled to report unfavorably on the bill un-

der consideration. They have instructed me in the name of the committee to express the hope that members and others who present claims to this House, will accompany them with such proof as they may be able to command and thereby perhaps save the committee the trouble of applying a rule which in some instances may work hardships to claimants, they ask to be discharged from its further consideration, report adopted.

Mr. Gaston, one of the committee on Claims and Accounts, made the following report.

The committee on Claims and Accounts to whom was referred the petition of A. N. Hopkins, have had the same under consideration, and after examining the written contract between the said Hopkins and the contractors on the part of the State, for enclosing the Capitol grounds with a good and substantial plank fence, the committee are of the opinion notwithstanding some slight changes may have been made in said contract, the changes so made are as much in favor of said Hopkins as the other party, and that nothing more had been done than was necessary to carry out said contract, or than was either expressed or implied in the same.

The committee therefore report the same back to the House and ask to be discharged from its further consideration, report received.

Mr. Lee, one of the committee on Private Land Claims, reported recommending the passage of bill for the relief of the heirs of Peter M. Mercer; report received and bill read first time.

Mr. Bee, chairman of committee on State Affairs, reported as follows :

The committee on State affairs have examined a Joint Resolution to provide for the election of Superintendent of the Penitentiary and Lunatic Asylum, and report that the Resolution provide for the election of those officers by the Legislature, instead of appointment by the Governor, and a majority of the committee consider the change as expedient and recommend the passage of the resolutions; report received.

Mr. Brown, one of same committee reported as follows :

The committee on State Affairs to whom was referred a bill with sundry amendments providing for dividing the counties of this State into four Districts for the election of County Commissioners, have considered the same and instruct me to report the accompanying bill as a substitute for the original bill and amendments, and recommend its passage; report received.

Mr. Rainey, Chairman of committee on Internal Improvements made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Internal Improvements, to whom was referred the petition of Wm. M. Spalding, have examined it and consider the granting of the relief sought as more properly within the province of the committee on Claims and Accounts, and recommend its reference to said committee, report adopted.

BILLS AND RESOLUTIONS.

Mr. Jennings introduced a bill to be entitled an act to incorporate the Grand Temple of Honor of Western Texas; read first and second times and referred to the committee on State Affairs.

Mr. Upshaw offered the following Resolution which was adopted.

Resolved, That the committee on Military Affairs be instructed to enquire into the necessity of establishing a State Arsenal, and report by bill or otherwise at their earliest convenience.

Mr. Chilton offered the following resolution which was adopted.

Resolved, That the Representative Hall is hereby tendered to the managers of the Inaugural ceremonies on the 21st inst., and that the Speaker of the House is hereby authorized to place the Hall at their disposal at such time as the usual ceremonies may require.

Mr. Dennis introduced a bill to be entitled an act to exempt certain property from execution and forced sale, read first and second times and referred to the committee on State Affairs.

Mr. Kittrell introduced a bill to authorize Elizabeth Gebony to adopt Martha Custis Turner, read first and second times and referred the committee on the Judiciary.

Mr. Dalrymple introduced a bill requiring the return of field notes to the General Land Office, when withdrawn by District Surveyors, for the purpose of being corrected, read first and second times and referred to the committee on Public Lands.

Mr. Holland offered the following resolution which was adopted.

Resolved, That the Probate Law committee be requested to inquire into the propriety of reducing the fees of the Judges

and Clerks of Probate Courts, and that they report at an early day by bill or otherwise.

Mr. Evans of McLennan offered the following resolution which was adopted.

WHEREAS, it is the opinion of this body that the present existing laws providing for the payment of taxes upon real estate are defective, and whereas, it is the opinion of this body that a large portion of the unoccupied but appropriated domain of the State is either not paying any tax at all, or at a very inconsiderable rate. Be it therefore

Resolved, (The Senate concurring) that a Joint Select committee to be composed of three from the Senate and five from the House, be appointed by their respective bodies, whose duty it shall be to examine into the propriety and necessity of so amending our tax laws as to provide a more efficient mode of compelling the payment of Taxes upon all real estate and report by bill or otherwise.

Mr. Bishop introduced a bill to legalize the transcript of the records taken from Cooke and Denton Land District of Surveys now included in Young county Land District, read first and second times and referred to the committee on Public Lands.

Mr. Rhodes offered the following resolution.

As it is the opinion of a considerable portion of the members of this House that the office of Reporter is of no practical benefit to this House nor the State at large, therefore, be it

Resolved, That the same be and is hereby abolished.

Mr. Edwards moved to lay the Resolution on the table, whereupon the yeas and nays were demanded, and the House refused to lay on the table by the following vote.

YEAS—Messrs. Bee, Bishop, Buckley, Burnett, Chilton, Cleveland, Cooley, Crawford, Dennis, Doom, Edwards, Fisher, French, Hall, Haynes of Starr, Hicks, Higgins, Howerton, Jennings, Johnson, Kinney, Kittrell, Latham, Lee, McKenney of Hopkins, Murrah, Navarro, Poag, Powell, Rainey, Waelder, and Witt 33.

NAYS—Messrs. Barnard, Burks, Craig, Crook, Dalrymple, Evans of McLennan, Everett, Gaston, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Holland, Joseph, Kirk, Lacy, Lesueur, Locke, Lloyd, McKinney of Travis, Mills, Munson, Norton, Price, Rhodes, Roberts, Ross, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Walling, Ward, Waterhouse, and Wood, 42.

Mr. Price moved to postpone the consideration of the Resolution until Tuesday 22d inst.

Mr. Wood moved to lay the motion to postpone on the table.

On motion of Mr. Burnett, a call of the House was ordered.

Mr. Evans, of McLennan moved to suspend the call. Lost.

There being a full House present, the call was suspended.

On motion of Mr. Hart, the main question was ordered, which being on the adoption of the Resolution, the same was put and the House refused to adopt the same by the following vote :

YEAS—Messrs. Speaker, Barnard, Burks, Crook, Everett, Gaston, Hardin, Harris of Guadalupe, Harris of Titus, Harrison Hart, Henderson of Cass, Holland, Joseph, Kirk, Lacy, Lesueur, Lewter, Locke, McKinney of Travis, Mills, Munson, Norton, Price, Rhodes, Roberts, Ross, Scott, Shelton, Smith of Fannin, Smith of Orange, Tait, Walling, and Wood 35.

NAYS—Messrs. Aycock, Baldwin, Bee, Bishop, Buckley, Burnett, Chilton, Cleveland, Clow, Cooley, Craig, Crawford, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Hall, Hardeman, Haynes of Starr, Haynes of Washington, Henderson of Harris, Hicks, Higgins, Howerton, Jennings, Johnson, Kinney, Kittrell, Latham, Lee, McKenney of Hopkins, Merriman, Murrah, Navarro, Poag, Powell, Rainey, Reeves, Rogers, Shannon, Upshaw, Waelder, Waterhouse, and Witt—47.

Mr. Kinney moved to reconsider the vote refusing to adopt the Resolution.

On motion of Mr. Crawford, the motion to reconsider was laid on the table.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz :

“A bill to be entitled an act making an appropriation for the per diem pay and mileage of the members and the per diem of the officers of the 7th Legislature.”

“A bill for the relief of Jacob Becker deceased.”

“A bill to be entitled an act authorizing the Clerk of the County Court of Johnson County to transcribe certain records therein named”

And also the following bills originating in the Senate:

“A bill to be entitled an act to dispense with scrawls and seals in certain cases.”

“A bill relinquishing to the Galveston Dry Dock Company, the right of the State of Texas to Twenty-five acres of land on Pelican flat in the Bay of Galveston.”

“An act to amend the 2nd section of an act entitled an act concerning passengers coming to Texas approved Feb’ry 11th 1852.”

Mr. Poag moved to reconsider the vote, referring the Joint Resolution relative to John C. Watrous, Judge of the Eastern District of Texas whereupon the yeas and nays were demanded and stood.

YEAS—Messrs. Bee, Cooley, French, Joseph, Kinney, Latham, McKinney of Travis, Norton, Waelder, and Waterhouse.

NAYS—Speaker, Aycock, Baldwin, Barnard, Bishop, Buckley, Burnett, Cleveland, Crook, Dalrymple, Doom, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris, of Titus, Hart, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Holland, Howerton, Jennings, Johnson, Kirk, Kittrell, Lacy, Latham, Les uer, Lewter, Locke, Lloyd, McKenney of Hopkins, Merriman, Mills, Munson, Poag, Price, Rainey, Rhodes, Roberts, Rogers, Ross, Runnels, Shannon, Shelton, Smith of Fannin. Smith of Orange, Tait, Upshaw, Walling, Ward, Witt, Wood—61.

So the House refused to reconsider.

On motion of Mr. Buckley, the vote adopting the report of the Committee on Claims and Accounts on the petition of Randall Jones was reconsidered, and on motion of Mr. Lee, the petition was recommitted to the Claims and Accounts.

Mr. Locke introduced “A bill to require the several Surveyors of this State to make out and send up to the General Land Office certain transcripts of records therein named;” Read 1st and 2d times, and referred to the Committee on Public Lands.

Mr. Powell introduced “A bill concerning the assessments and collection of special County and other special taxes;” Read 1st and 2d times, and referred to the Committee on the Judiciary.

Mr. Evans of McLennan offered the following Resolution.

Resolved, That the Committee on Stock Raising be requested to inquire of the whereabouts of our Sergeant-at-Arms and report by bill or otherwise.”

On motion laid on the table.

Mr. Locke made the following report:

REPRESENTATIVE HALL, {
DECEMBER 15th, 1857. }

HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The Joint committee appointed to make arrangements for the Inauguration of the Governor and Lieutenant Governor Elect on the 21st inst., beg leave to report that the inauguration shall take place in the Hall of the House of Representatives, at 11 o'clock A. M. ; that the two branches of the Legislature shall meet in the House at $\frac{1}{4}$ before 11, the Speaker of the House in the chair and the President *pro tem* of the Senate on his right; that the Chief Justice and Associate Justices of the Supreme Court, with the Attorney General, shall occupy seats on the Platform before the Speaker's Chair; that the Heads of Departments, and Officers of the late Republic of Texas shall occupy seats on the left of the Platform; that the Senators shall occupy seats on either side of the aisle of the House, and the Representatives as near as practicable to the Speaker's chair; that the Ladies shall occupy seats within the bar of the House, and that the Citizens shall occupy seats within the bar and in the Galleries.

The retiring Governor, the Governor and Lieutenant Governor, with the committee, will enter the House at 11 o'clock, and be seated, the retiring Governor, and Governor elect, on the right of the Speaker's chair, and the Lieut. Governor on the left. The retiring Governor will deliver his valedictory, and immediately after, the Governor and Lieutenant Governor elect will have the oath of office administered to them respectively by the Chief Justice.

Respectfully submitted,
PIRKEY,

Chairman on part of the Senate.

M. F. LOCKE,

On part of the House of Representatives.

Mr. Mills introduced a bill limiting suits on judgments rendered by Courts, other than the courts of this State ; read 1st and 2d times, and referred to Committee on Judiciary.

Mr. Waterhouse introduced a bill to reduce into one and amend the several acts limiting suits for the recovery of real estate; read 1st and 2d times, and referred to Committee on the Judiciary.

On motion of Mr. Waelder, the rule was suspended, and a bill to be entitled an act for the protection of persons and property in course of travel or transportation on the public highways, and roads of the State, taken up and made the special order of the day for Wednesday, December 23.

The following Executive communication was taken from the Speaker's table; read and referred to Finance Committee.

EXECUTIVE OFFICE, }
AUSTIN, DEC., 15th, 1857. }

Gentlemen of the Senate,

and House of Representatives :

I transmit herewith for your information, a communication from the Comptroller of Public Accounts in relation to the bids that have been received for the two hundred thousand dollars of U. S. bonds that were advertised for sale under a notice issued by him on the 9th of October last. It will be seen from an examination of these bids, that under the most favorable one, the net amount that would probably be received on the bonds, would be about 98 $\frac{3}{4}$ cents on the dollar.

The Comptroller has thought it best to refer this matter to you to decide what action he shall take in regard to the bids. My own impression is that authority ought to be given to the Comptroller to dispose of such amount of these bonds for specie as will be sufficient to meet all demands against the Treasury on the best terms that it can be done. E. M. PEASE.

Mr. Bee, chairman of committee on State Affairs, made the following report:

The committee on State Affairs have examined a bill to encourage the reclamation of fugitive slaves escaping beyond the slave territories of the U. S. and report herewith a substitute for the same and recommend its passage.

Report received and 100 copies of bill ordered to be printed by a vote of 41 yeas to 22 nays.

On motion of Mr. Shelton, the rule was suspended, and a bill for the relief of Luciano Navarro, taken up;—read and passed to 3d reading;—rule further suspended, read 3d time and passed by a vote of 42 yeas to 32 nays.

Mr. Dalrymple appealed from the decision of the chair, on the ground that it required a two-third vote to pass the bill; the question of appeal being put the chair was sustained.

On motion, House adjourned under the rule until 9 $\frac{1}{2}$ o'clock A. M., to-morrow.

AUSTIN, December 16th, 1856.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Kittrell presented the petition of J. H. Sheppard ; referred to Committee on Military Affairs.

Mr. Johnson presented the petition of J. Pat Henry ; referred to Committee on Finance.

Mr. Locke presented the petition of sundry citizens of Harrison and Upshur Counties ; referred to Committee on Roads, Bridges and Ferries.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, one of the Committee on the Judiciary, made the following majority report :

The Committee on the Judiciary to whom was referred a Resolution, instructing the Judiciary committee to consider the 29th section of the 3rd article of the Constitution, and to report whether or not the proper construction of that provision will require an extra session of the Legislature to be held in order to make the apportionment consequent upon the next enumeration, have had the same under consideration, and a majority of the Committee have instructed me to report :

That in their opinion the section of the Constitution in question, when reviewed in connection with various other provisions of that instrument, does not require that an extra session of the present Legislature should be held for the purpose of making an apportionment of the Representatives of the Legislature ; report received.

Mr. Wood, one of the Committee on the Judiciary, made the following minority report :

A resolution having been referred to the Judiciary Committee, asking a construction of the 29th section of the 3rd, article of the Constitution, relative to the apportionment of Representatives, the undersigned members of said Committee differing from the conclusion of the majority upon the proper construction and interpretation of the said clause of the Constitution, most respectfully beg leave to present a minority report, and to recommend the adoption of the accompanying resolution :

The undersigned deem it unnecessary to enter into an elaborate argument, to show why they have come to the conclusion that it is the Constitutional and imperative duty of the present Legislature, to cause an enumeration to be made

and apportion the Representatives among the several counties on the basis of such enumeration, during the year 1858.— Suffice it to say that the language of the Constitution is plain and simple, construing and interpreting itself.

Not only do the undersigned believe that the Constitution requires the apportionment to be made during the year 1858, but that evenhanded justice in the way of equal representation, requires it. The inequality in the present basis of representation is most astounding. Some members on the floor of the House of Representatives, represent near 3,000 voters, while others do not represent more than 400. This is unjust, and demands remedy at the earliest period permitted by the Constitution.

WM. D. WOOD,
J. LEE,
R. H. WARD,
GEO. W. CHILTON.

L. F. PRICE,
THOS. P. AYCOCK,
J. S. CLEVELAND.

Report received.

Mr. Aycock, Chairman of Committee on Public Lands, reported back the petition of Thos. J. Smith, and recommended its reference to the Committee on Private Land Claims ; report adopted.

Mr. Locke, one of the Committee on Public Debt, reported as follows :

The Committee on Public Debt have examined the petition of Alexander Patrick, and find the facts to be substantially as follows :

The petitioner in the year 1840, located and had surveyed sundry league and labor certificates, upon which he paid to the legally authorized officers of the Republic of Texas the Government dues upon the same in cash, the amount of \$480,20.

That the said certificates were afterwards rejected by the travelling Board of Land Commissioners, and consequently the land was located by others and proved a clear loss to him.

That Mr. Patrick, in addition to the loss of the land, sustains also the loss of expenses of locating, &c. But he does not ask the State to reimburse him for anything but the number of dollars and cents which he paid out, which he shows to the full satisfaction of your Committee, by exhibiting the several receipts in every case, of the officer to whom paid, to have been paid into the Treasury of the Republic.

And your Committee holding that by no principle of justice, equity or law, we have the right to retain the money of the said Alexander Patrick, without returning to him a valuable consideration, therefor

The Committee report the accompanying bill and recommend its passage ; report received and bill read first time.

Mr. Edwards, Chairman of the Committee on Military Affairs, reported as follows :

The Committee on Military Affairs to whom was referred the Senate's Bill, to authorize the Governor to order out mounted Volunteers on the South-western frontier, have had the same under consideration, and instruct me to report it back to the House and recommend its passage ; report received.

Mr. Ward, one of the Committee on Slaves and Slavery, reported recommending the passage of the Senate's bill, to permit free persons of African descent to select their own masters and become slaves, with the following amendment :

Insert "fifty" in the blank left by the Senate ; report received.

Mr. Aycock, Chairman of Committee on Public Lands, reported as follows :

The Committee on Public Lands to whom was referred the Senate's bill, entitled an act donating 320 acres of land to the County of Palo Pinto, instruct me to report the same back to the House, and recommend its passage with the following amendment, to-wit :

Strike out the words "for County purposes" at the end of 1st section and add the words "to be used by said County for building a Court House, Jail and other public buildings ; report received.

The Speaker announced Messrs. Evans of McLennan, Reeves, Lewter, Haynes of Starr, and Howerton, a Joint Committee on a resolution to provide for amending the Tax Law.

Mr. Fisher, Chairman of Committee on Penitentiary, made the following report ; on the propriety of leasing the Penitentiary :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on the Penitentiary, to whom was referred the resolution enquiring into the expediency of leasing the State Penitentiary, have carefully examined and discussed the

same, and instruct me to report, that they regard this as a great question of State policy, which demands our most serious reflection, and calm and considerate action.

Your committee regret that they have but little statistical information, and but few data, outside of the report of the directors and other officers of the Institution, on which they might base a more satisfactory and definite report than the one which they now present.

The only instance now within their knowledge of the working of the leasing policy is derived from the message of the late Governor of Alabama, in which he recommends an abandonment of the policy, after a fair trial of ten years. With this exception your committee can only present the convictions of their own minds and judgments in reference to this matter, derived from a careful investigation of the reports of the officers of the Institution, and from a close personal observation of its conduct and management by some of the committee on the premises.

From the information derived from those sources, we are of the opinion that the system is working remarkably well under its present policy, and that the old adage, "let well enough alone," will apply forcibly to this question. We learn from the reports above referred to, that the Institution is likely soon to become not only a self-sustaining one, but probably a source of revenue to the State. This being the fact, we cannot believe otherwise than that a change of policy at this time would be unsafe and unwise—that it must be necessarily an experiment, which promises but little, if any good, and might, and probably would, result disastrously to the best interest of the State and the Institution.

In support of these opinions, we would suggest that the system, though it has progressed well and answered the purposes of its creation, as well or even better than could have been expected in a newly settled State like ours, yet it is far from being perfect, especially in the *factory department*, which we conceive to give vitality and value to the system. And to lease the Institution now, we believe, would be not only the means of hindering the completion of the factory department, but of so far destroying the machinery already in operation as to render it useless to the State and unfit for the purposes for which it is designed. It can hardly be supposed that any lessee would advance the amount of capital required to perfect the machinery of the factories; but of course would so shape

their bid as to take it in its present state, and make the most out of it while it might last. By this process, which would probably be conducted by lessees themselves inexperienced, and machinists and engineers equally so, the State would be deprived of all the benefits contemplated and actually accruing from that arm of the system.

Besides this, your committee believe that the Penitentiary should not be made a means of private speculation—should not be converted into a great workshop, in which, under the leasing system, some avaricious shylock might be enabled to force the greatest amount of work, in the shortest time, out of the convicts, in order to fill their private coffers. We believe such a course would be in contravention of those principles of humanity and reform which are the objects of, and should characterize all institutions of the kind.

For these, and many other reasons which might be urged, I am instructed to report adverse to the leasing policy, and ask that the committee be discharged from the further consideration of the subject.

Respectfully,

H. W. FISHER, Chairman.

Mr. Kittrell, Chairman of Committee on Public Debt, reported as follows :

The Committee on Public Debt, to whom was referred a bill for the relief of Samuel St. John, have examined the same, and instruct me to say that they find the facts to be these :

In the year 1836, Samuel St. John donated to the Republic of Texas \$5,000 to aid her in her struggle for Independence.

Your Committee find that the principal of said sum has been paid the said St. John, and that the present application is for interest on the same.

They have instructed me to say further, that this comes under that class of claims which the Legislature at its last and present session, have refused to pay, for reasons frequently set forth in former reports. They, therefore, have instructed me to report the bill back to the House and recommend its indefinite postponement.

On motion of Mr. Hart, the rule was suspended, report taken up and adopted.

A message was received from the Senate announcing to the House that the Senate has passed the following bills originating in the House, viz :

A bill to be entitled an act to create the 19th Judicial District and to define the time of holding courts therein.

And a bill to be entitled an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved 4th February, 1856, and also the act supplemental thereto approved 5th February, 1856, originating in the Senate.

The hour having arrived, the special order of the day was taken up, viz :

The resolution offered by the Committee on Education, relative to the establishment of a State University.

Mr. Chilton, moved to lay the resolution on the table for the present, whereupon the yeas and nays were demanded, and the House refused to lay the resolution on the table by the following equal vote :

YEAS—Messrs. Speaker, Barnard, Bee, Bishop, Burks, Chilton, Craig, Crawford, Crook, Doom, French, Gaston, Hardin, Harris of Titus, Harrison, Hart, Hicks, Holland, Johnson, Kinney, Kirk, Lacy, Lesueur, Lewter, Locke, Lloyd, McKenney of Hopkins, Navarro, Norton, Roberts, Scott, Shannon, Tait, Wælder, Walling, Ward, Waterhouse, Witt and Wood—39.

NAYS—Messrs. Aycock, Baldwin, Buckley, Burnett, Carrol, Cleveland, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Hardeman, Harris of Guadalupe, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Joseph, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Murrah, Poag, Powell, Price, Rhodes, Rogers, Ross, Runnels, Smith of Fanin and Upshur—39.

Mr. Ross offered the following amendment to the resolution :

Amend by adding “and should such University be located East of the Trinity river, there shall be established west of the same, a Literary College of equal rank and endowments with the Literary Department of the University; but if the University should be located west of said river, then such College shall be established east of the same.”

Mr. Howerton moved to lay the amendment on the table.

On motion of Mr. Chilton, a call of the House was ordered.

On motion of Mr. Witt, the Seargent-at-Arms was dispatched after absentees.

On motion of Mr. Hicks, Mr. Smith of Orange, was excused from attendance on the House.

Mr. Witt, moved a suspension of the call—House refused to suspend.

Mr. Chilton moved a suspension of the call—House refused to suspend.

Mr. Rainey, moved a suspension of the call—House refused to suspend.

Mr. Witt moved a suspension of the call—House refused to suspend.

On motion, Mr. Poag was excused for ten minutes.

Mr. Rainey moved that the House adjourn till to-morrow 9 1-2 o'clock, A. M. ; lost.

Mr. Burnett moved to suspend the call—the House refused to suspend.

Mr. Shelton, one of the absentees, having arrived, and a full House being present, the call was suspended.

On motion of Mr. Rainey, a call of the House was ordered.

On motion the call was suspended.

The question then recurring, being Mr. Howerton's motion to lay the amendment offered by Mr. Ross on the table, the question was put, and the House refused to lay the amendment on the table by the following vote :

YEAS—Messrs. Aycock, Barnard, Buckley, Carrol, Cleveland, Clow, Cooley, Crawford, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Hårdeman, Hardin, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKenney of Travis, Merriman, Mills, Munson, Powell, Price, Reeves, Rogers, Tait, Upshaw and Wood—40.

NAYS—Messrs. Speaker, Baldwin, Bee, Bishop, Burks, Burnett, Chilton, Craig, Crook, Doom, French, Gaston, Harris of Titus, Harrison Hart, Henderson of Cass, Hicks, Holland, Jennings, Johnson, Kirk, Lacy, Lesueur, Lewter, Locke, Loyd, McKenney of Hopkins, Murrah, Navarro, Norton, Poag, Rainey, Rhodes, Roberts, Ross, Runnels, Scott, Shannon, Shelton. Wælder, Walling, Ward, Waterhouse and Wood.—45.

Mr. Hart moved to adopt the amendment offered by Mr. Ross,

On motion of Mr. Howerton, the House adjourned until to-morrow at 9 1-2 o'clock, A. M., by the following vote ;

YEAS—Messrs. Aycock, Barnard, Bee, Buckley, Clow, Cooley, Craig, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Hart, Haynes of Washington, Henderson of Harris, Higgins, Howerton, John-

son, Joseph, Kinney, Kittrell, Latham, Lee, Lesueur, Lloyd, McKenney of Hopkins, McKinney of Travis, Munson, Murah, Powell, Price, Rhoades, Rogers, Scott, Shelton, Tait, Upshaw and Wood—41.

NAYS—Messrs. Speaker, Baldwin, Bishop, Burnett, Chilton, Crawford, Dalrymple, Doom, Gaston, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Henderson of Cass, Holland, Jennings, Kirk, Locke, Merriman, Mills, Navarro, Norton, Poag, Rainey, Roberts, Ross, Runnels, Smith of Fannin, Walling, Ward, Waterhouse and Witt—32.

Pending—the motion of Mr. Hart to adopt the amendment offered by Mr. Ross.

AUSTIN, Thursday, December 17, 1857.

House met pursuant to adjournment—roll called, quorum present. Journal of yesterday read and adopted.

PETITIONS.

Mr. Howerton presented the petition of sundry citizens of the counties of De Witt, Victoria, Jackson and Lavaca; referred to the committee on Counties and County Boundaries.

Mr. Witt presented the petition of Jackson L. Leonard; referred to the Judiciary committee.

Mr. Roberts presented the remonstrance of sundry citizens of Shelby county against changing the county line; referred to the committee on Counties and County Boundaries.

Mr. Shannon presented the petition of twenty-three citizens of Ellis county; referred to the Judiciary committee.

Mr. Navarro presented the petition of Pamfilo Basques; referred to the committee on Claims and Accounts.

On motion of Mr. Rainey, the petition and bill for the relief of John Morton were taken up and referred to the committee on Court of Claims.

On motion of Mr. Locke, the petition and bill for the relief of Alexander Patrick were taken up and re-referred to the committee on Public Debt.

REPORTS OF STANDING COMMITTEES.

Mr. Wood, one of the committee on Judiciary, reported unfavorably upon a bill to legalize the acts of the County

Court of Montgomery county, acting as a Board of Land Commissioners.

The County Court of Montgomery county, on the fourth day of February, 1856, issued two unconditional head-right certificates; one for one thousand two hundred and eighty acres to John M. Wade, assignee of John B. Loveridge, the other for three hundred and twenty acres of land to L. Pangburn, assignee. The law authorizing the County Court to issue, the act of February 4th, 1854, expired on the 1st day of February, 1856, to legalize the void acts of any County Court, though done *bona fide*, would be dangerous, and especially so as a precedent. If the holders of the certificates can make the proof necessary to authorize the issuance of an unconditional, they are proper subjects of relief; and that this opportunity may be afforded, the committee recommend the reference of the certificate issued to Pangburn to the committee on Private Land Claims. The committee cannot recommend a reference of the one thousand two hundred and eighty certificate, from the fact that the records of the proper department show that the unconditional was issued to the heirs of Loveridge by the Harris county Board on the 24th day of March, 1854. Report received.

Also, the Judiciary committee, to whom was referred a bill reported by the committee on Roads, Bridges and Ferries, re-enacting the penalties and forfeitures of the road laws, supposed to be repealed by the Penal Code, have had the same under consideration, and instruct me to report:

That on the question of the repeal of the Road Law, at least the penal portion of it, some members of the committee have no doubt, others consider it a doubtful question, but all agree that the safe and proper course will be to re-enact the entire Road Law, as passed in 1854. It is recommended that the whole matter be re-referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Locke, the rule was suspended, and report taken up and adopted.

Mr. Edwards, Chairman of the committee on Military Affairs, reported as follows:

The committee on Military Affairs, to whom was referred the Senate bill, "to incorporate the Alamo Rifles," have had the same under consideration, and, as they deem it inexpedient and unwise policy to incorporate each military company separately, thereby increasing legislation of this kind, and as

they have a bill before them, (upon which they will report at an early day,) placing all military companies now organized, or to be organized in the State, upon the same footing, have, therefore, instructed me to report unfavorably, and recommend its rejection, and ask to be discharged from the further consideration of the same. Report received.

Mr. Henderson of Harris, one of the committee on Internal Improvements, reported as follows :

The committee on Internal Improvements have had under consideration a bill "to amend the charter and for the relief of the Houston and Texas Central Railroad Company," and I am instructed to recommend the passage of said bill, with the following amendments :

Strike out the first section and substitute the following :

SEC. 1st. Be it enacted, by the Legislature of the State of Texas, that the Houston and Texas Central Railroad Company be, and the said Company is hereby permitted to extend their road northward, beyond the limits of the State into the United States, Indian Territory and Kansas, with the political authorities of said Territories.

Amend second section by adding, after the word "location," in the ninth line, "made subsequent to the files or locations of said Company." And also after the word "surveyors," in the eleventh line of said section, "provided no certificate shall be raised which conflicts with a survey or title existing at the time said certificate was located or surveyed."

Amend third section by striking out all after the word "section," in the tenth line, and inserting in lieu thereof, "by the 30th day of July, A. D. 1859." Add an additional section after section third, as follows :

SEC. 4th. That said Company shall, within twelve months after the passage of this act, definitely determine the counties through which their road is to run, striking the Trinity river in the county of Dallas. and Red river within fifteen miles of the town of Preston."

Change section "4" to section "5." Report received.

Mr. Lee, Chairman of the committee on Public Buildings, made the following report :

COMMITTEE ROOM, }
December 7th, 1857. }

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

Your committee, to whom was referred a resolution autho-

rizing and requiring the committee on Public Buildings to have erected a suitable portable railing, to separate the lobby from the Hall of the House, or that portion occupied by the Members, report that they have performed that duty by having such railing built in accordance with the requirements of said resolution, at the cost of fifty-eight dollars and fifty cents, for the payment of which they recommend the passage of the following resolution :

Resolved, That the chief clerk be, and he is hereby required to pay out of the contingent fund of this House, to Loomis & Christian, the sum of fifty-eight dollars and fifty cents, in full compensation for the building of said railing. Report adopted.

Mr. Kittrell, Chairman of the committee on Education, made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Education have examined a Senate's bill to increase the special school fund, approve its objects and recommend its passage. Report received.

Mr. Barnard, one of the committee on Public Lands, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred "A bill to regulate the making of surveys on the public domain," have had the same under consideration, and a majority have agreed to report, that they consider that there is already a statutory provision in force, which provides for the objects sought in the bill, as will be seen by reference to Hartley's Digest, Art. 1857, which reads as follows, viz :

"That all lands surveyed for individuals, lying on navigable water courses, shall front one-half of the square on the water course and the line running at right angle with the general course of the stream, if circumstances of lines previously surveyed under the laws will permit. And all others not on navigable water courses shall be square if previous lines will permit; and under no circumstances shall any one grant be located in more than two surveys."

They, therefore, request to be discharged from the further consideration of the same. Report adopted.

Mr. Mills, Chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts have had the petition of the heirs of George Robinson, deceased, and the accompanying exhibits, under their consideration, and the following facts appear to be the basis of the claim for relief :

Robinson's heirs (who are not named) allege their father lived in Matagorda county from about 1832 until 1844 or '5 ; was the owner and keeper of a public ferry on the Colorado river in Matagorda ; that the ferry was the main thoroughfare of travel between the coast and the Texan army ; that the troops passed to and fro, from the coast to the main army, or on Indian excursions, over said ferry, and that no compensation was received therefor. The proof, as to this point, is as follows : Capt. J. W. E. Wallace, who belonged to the army, swears that he crossed Robinson's ferry twice in 1842, with about eighty men, with their munitions and equipage, in pursuit of the Indians ; and, further, that it was the main thoroughfare as above stated ; that the soldiers and officers, in going to and from the army, passed principally by this route—as also recruits from the United States.

Dugald McFarland states the same facts. They both say Robinson fed and kindly treated the soldiers, especially when sick ; that large supplies of beef were freely given for their support (quantity stated). The affiants state thirty-five hundred dollars a fair compensation for the ferry services and supplies.

Capt. A. C. Horton states he crossed his company twice over the ferry, in answer to the call of the Government of the late Republic, (time not named). He states, also, that Robinson fed and kindly treated, especially when sick.

Henry P. Cayce testifies to the same facts in substance as stated by McFarland and Wallace, and in addition says that Robinson continued to keep the ferry, and to cross and entertain, feed and nurse soldiers, free of charge, from 1835 to 1842. Mr. Savage states the same facts in substance. They all concur in stating that Robinson had a large stock of cattle which were freely given for the support of the army and invalid soldiers. What quantity of supplies were furnished cannot be ascertained by the committee, nor the troops crossed over the ferry.

Gov. E. M. Pease certifies that J. W. E. Wallace, Dugald McFarland, and A. C. Horton, were officers under commis-

sion, in the service of Texas in 1835, 1836, and 1837, and had full opportunity to obtain the best information in regard to the facts about which they certify.

I am instructed by the committee to report the facts above stated, and leave the subject to the wisdom of the House. They are satisfied something is due the memorialists, but what sum the committee cannot say from the proof. Report received.

Mr. Johnson, one of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined and report correctly engrossed the following bill, to-wit: "A bill to be entitled an act to authorize the Comptroller of Public Accounts to dispose of one hundred thousand dollars of the five per cent. government fund, &c." Report accepted.

Mr. Clow, one of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined the following bills, to-wit :

A bill to be entitled "an act supplemental of an act making provisions for running and marking the boundary line between the State of Texas and the Territories of the United States."

And also a bill to be entitled "an act for the relief of the several school districts, trustees and patrons ;" and beg leave to report the same as correctly engrossed. Report accepted.

Mr. Howerton, one of the committee on Counties and County Boundaries, made the following report :

The committee on Counties and County Boundaries, to whom was referred the bill entitled "an act to authorize the people of Tarrant county to relocate their seat," have had the same under consideration, and have instructed the undersigned to report, that they, after considering the same, have formed the opinion that this subject has been acted upon by the Honorable Senate at its present session ; that some of this committee have doubts as to the constitutionality of this body having any authority again to take action in the premises, and in view of the fact that it involves a constitutional question, this committee respectfully reports the said bill back to this House, and recommend its reference to the committee of the whole House, and ask to be discharged from the further consideration of the same ; rule suspended, and report adopted.

Mr. Locke, Chairman of the committee on Enrolled Bills, made the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Joint committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval, to-wit :

“An act to define the (boundary northern) line of the Mississippi and Pacific Railroad Reserve.”

“An act for the relief of Benjamin F. Ellis.”

“An act for the relief of the heirs of Jacob Becker, deceased.”

“An act authorizing the clerk of the County Court of the county of Johnson to transcribe certain records therein named.”

“An act to repeal an act supplementary to an act for the relief of the citizens of Mercer’s colony,” passed February 2d, 1850, and approved August 30th, 1856.

“An act entitled an act for the relief of William Lee.”

“An act to repeal an act to be entitled an act for the relief of Louisa Warren.”

“An act making an appropriation for the per diem pay and mileage of the members of the seventh Legislature, and the per diem pay of the officers of the same.”

Report accepted.

Mr. Haynes of Starr, Chairman of the select committee, to whom was referred a bill to relinquish the right of the State to certain lands therein named, reported as follows :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Special committee, to whom was referred a bill to be entitled an “act to relinquish the right of the State to certain lands therein named, have examined the same, and find the following to be the facts in connection with the same :

By an act approved February 11th, 1854, a Board of Land Commissioners was organized to investigate land titles in the county west of the Nueces river. A large number of claims appear to have been presented to the Board, a number of which were confirmed and the remainder rejected by the Commissioners. At the succeeding session of the Legislature, a bill was presented to relinquish the right of the State to all the titles presented to the Board, those rejected as well as those confirmed, and including, also, several titles not presented for the investigation of the Commissioners. The bill passed, but was vetoed by the Governor on the 23d of August,

1856, for the reason that the Act confirmed grants rejected by the Commissioners, and others not presented to them for investigation, which veto was sustained. (See Journal of the House, p. 486.)

On the 27th of August, Mr. Crosby, by leave, introduced a bill to confirm the titles of El Paso county; the rule was suspended, and the bill passed by a vote of fifty-eight yeas to six nays. (House Journal, p. 532.)

On the 29th of August, Messrs. Latham and Nickels introduced similar bills, which took the same course with that of Mr. Crosby. (House Journal, p. 556 and 568.)

These bills only included the titles not obnoxious to the Governor's veto message. They did not pass the Senate for want of time, the Legislature adjourning on the first of September.

In his veto message the Governor says: "Had this act confirmed the small number of claims that those Commissioners recommended for confirmation, I should have felt no hesitation in approving it."

On the 30th of August, several members entered a protest to the Governor's veto, in which it is stated: "That it was in evidence, that the Commissioners required the applicants to make such proof as the Supreme Court of the State would have demanded."

We find that the report of the Board of Commissioners, with the accompanying documents, has been lost or *destroyed*. The bill of Mr. Nickels has also been lost, or *abstracted* from the archives of the Legislature. What has become of these papers we have been unable to ascertain.

We have thought this statement of facts necessary to a proper understanding of the bill under consideration.

The committee, therefore, has no documentary evidence in the case, but Mr. Haynes, one of the committee, was Secretary of the Board of Commissioners for the investigation of these titles; and has given his evidence in the matter, and in accordance with his evidence the committee offers a substitute to the original bill. This substitute leaves out the titles of El Paso county, at the request of the member from that county, and also three titles, the confirmation of which the evidence of Mr. Haynes is not positive and certain.

It would work a great hardship to these parties to refuse a confirmation of their titles because of a loss of the report of the Commissioners, including, we are informed, many of the

titles filed with the Board, and we are satisfied, from the evidence of Mr. Haynes, that the titles included in the substitute should be confirmed.

Therefore, as it is to the best interest of the State that our land titles should be quieted, and as these parties have, in all respects, complied with our laws, we respectfully report the substitute back to the House, and unanimously recommend its passage. Report received.

Mr. Bee, chairman of Committee on State Affairs reported as follows:—

The Committee on State Affairs having examined a bill for the relief of certain purchasers of Austin City, and Out Lots, report

That on the 12th October 1855, in accordance with Law, a sale of Austin City, and out Lots took place at the City of Austin. That the terms of said sale were one-third of the purchase money down, one-third in six months and one-third in twelve months; that for the two last instalments, the State reserved a lien upon the lots sold, together with approved personal security for the payment thereof.

That at said sale, and in compliance with the terms thereof, there were sold 226 lots; that of this number, 187 were paid for and patented; that there is yet due on the remaining 39 lots, the last instalments; that the said last named lots are mostly improved. That the Comptroller of the State has recommended an extension of the time for the payment of the said last instalments; your Committee deem such extension, in consideration of the premises, equitable and expedient; they therefore concur with the recommendation of the Comptroller of the State, and ask the passage of the accompanying bill; report received.

Also, the Committee on State Affairs have examined a “bill to incorporate the Grand Temple of Honor of Western Texas,” and recommend the passage of the bill with the following amendment:—

In 1st Section strike out “Real Estate,” and insert “property of any character”; strike out “30” and insert “50”; report received.

Also, the Committee on State Affairs report back to the House, “a bill to exempt certain property from execution and forced sale,” with the recommendation that it be referred to the Committee on Slaves and Slavery, as they understand that said Committee are preparing a bill on the same subject.

They also report back to the House, an act to incorporate the Texas Life, Fire, and Marine Insurance Company of Gal-

veston, with the recommendation that it be referred to the Judiciary Committee, as the bill embraces legal questions which may be of great importance to the parties interested, and should receive the scrutiny of that committee.

They also report back a petition of Sundry Citizens of Jackson County asking that the Clerks of Courts shall be allowed fees in criminal cases prosecuted infavorably by the State &c., and ask that the memorial be referred to the Judiciary Committee; report received.

BILLS AND RESOLUTIONS.

Mr. Murrah offered the following resolution, which was adopted:

Resolved, That the committee on the Court of Claims be requested to enquire into the expediency of abolishing said court, and to report therein, at their earliest convenience by bill or otherwise.

Mr. Cleveland offered the following resolution :

Resolved, That the Committee on Indian Affairs be instructed to report a bill for the removal of all Indians from the County of Polk at as early a day as practicable.

Mr. Kittrell offered the following substitute. That the common on Indian affairs be instructed to enquire into the expediency of removing the tribes of Indians now residing within the limits of Polk county to the Indian reserve on the Western frontier of our state or to some other place better suited to the habits and customs of that race, and report by bill or otherwise.

On motion of Mr Hicks, the consideration of the resolution and substitute postponed until January 10th 1858.

Mr. Witt introduced a bill to incorporate the town of Dallas ; read 1st and 2d times and referred to committee on Judiciary.

Mr. Henderson of Harris introduced a bill to incorporate the Houston Insurance company ; read 1st and 2d times and referred to committee on Judiciary.

Mr. Lewter introduced a bill supplementary to an act to raise a revenue by direct taxation, approved March 20th 1848 ; read 1st and 2d times and referred to committee on State Affairs.

Mr. Harrison introduced a bill to incorporate Castillian Lodge No 141 of Free and Accepted Masons ; read 1st and 2d times and referred to common state affairs.

Mr. Bishop introduced a bill to amend an act to extend the

intercourse laws of the United States for the prevention of the introduction or sale of Wines and Spirituous liquors within ten miles of the Indian reserve in the state of Texas ; read 1st and 2d times and referred to committee on Indian affairs.

Mr. Kirk introduced a bill, amendatory of an act to restore lands sold for Taxes, and purchased by the state to former owners on certain conditions, approved February 3d, 1856 ; read 1st and 2d times and referred to committee on State Affairs.

Mr. Barnard introduced a bill to authorize the Commissioner of the General Land Office to have surveys made in certain cases ; read 1st and 2d times and referred to committee on the Land Office.

Mr. Kittrell introduced "a bill to attach a portion of Trinity county to the county of Walker ; read 1st and 2d times and referred to the committee on Counties and County Boundaries.

Also, "A bill for the relief of J. F. Mason" ; read 1st and 2d times and referred to the committee on County Boundaries.

Mr. Higgins introduced "a bill to prevent county Treasurers from speculating in county funds ;" read 1st and 2d times and referred to the committee on the Judiciary.

Mr. Walling introduced the following Joint Resolution.

"*Resolved*, That both Houses of the present Legislature adjourn "*sine die*" on the 18th day of January, A. D., 1858."

On motion of Mr. Chilton laid on the table.

Mr. Locke introduced "a joint resolution to instruct the State Comptroller to publish in one of the newspapers of this city, a list of the defaulting Assessors and Collectors, and also to instruct the Attorney-General to take lawful steps for the collection of the amounts not returned by said officers" ; read 1st and 2d times and referred to the select committee on Comptroller's and Treasurer's Office.

Mr. Mills introduced "a bill for the relief of George P. Dykes" ; read 1st and 2d times and referred to the committee on Private Land Claims.

Mr. Howerton moved to suspend the rule to take up a bill for the relief of Edward Seeligson ; carried and bill taken up ; read 2d time and ordered to be engrossed by a vote of 51 yeas to 19 nays.

Mr. Henderson of Harris, moved a further suspension of the rule that the bill might be put in its third reading. Lost.

Mr. Rainey, chairman of the committee on Internal Improvements ; reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Internal Improvements, to whom was referred a bill entitled an act making an appropriation to improve the navigation of the Trinity River, have considered the same, and instruct me to report the following reasons back to the House recommending its passage :

The act of August 1st, 1856, appropriating three hundred thousand dollars to be set apart as a separate fund for the improvement of the rivers, lakes, bays and bayous of Texas, has been construed by a majority of the committee on the Judiciary and Internal Improvements, to embrace a separate appropriation of fifteen thousand dollars each to the River Sabine, Red River, and the Rio Grande, whenever the States adjacent to said streams should make an appropriation, and expend a like amount for the improvement of the same. This your committee believe to be an unjust discrimination in favor of the border streams, the navigation of which is only partially enjoyed by our citizens, and against those of the interior.

In the opinion of your committee invidious distinctions should not be drawn by the legislative power of the State between objects of legislation similar and equal in their character ; but the same aid and encouragement should be given to the developement of the resources of one section that are extended to another, especially when the interests to be promoted are equal in importance.

Your committee cannot see the propriety of contributing to the improvement of border streams to the exclusion of those in the interior when the advantages resulting from the navigation of the former are enjoyed to the same extent by the citizens of another State as they are by our own.

It also appeared to the committee, by information derived from the State Engineer, that the Trinity River received but twelve thousand five hundred dollars of the three hundred thousand dollar fund, such was the scramble for the benefits of said appropriation ; and your committee without committing themselves either to the policy or impolicy of the act of August 1st, 1856, making the appropriation for the improvement of the rivers, &c., as aforesaid, under the circumstances, believing that it is the opinion of the present Legislature that said act intended to make, and did make, a separate appropriation for said streams, and that legislation should be equal

and not discriminative, would recommend the relief as sought by said bill to the favorable consideration of the House.

A minority of the committee, the chairman among the number, differ in opinion with the majority as to the construction of the act of August 1st, 1856, and believe that said act only intended to set apart three hundred thousand dollars for the purposes above mentioned, and that there is no law authorizing a separate and distinct appropriation to said border streams.

It is a question of some doubt with the minority whether the appropriations made by said act of August 1st conferred as much benefit upon the State as was anticipated by its authors, and they deem it unnecessary to state what course they would have adopted in reference to this bill, had the construction as given by them to the act aforesaid prevailed; but for the reasons above enumerated they, without hesitation, give their acquiescence to the passage of the bill.

RAINEY, Chairman.

Mr. Witt by leave introduced a bill to incorporate Dallas Lodge No 44. I. O. O. F.; "read 1st and 2d times and referred to the committee on State Affairs."

Mr. Murrah introduced a joint resolution proposing an amendment to the constitution; read 1st and 2d times and referred to the Judiciary Committee.

On motion of Mr. Waelder, the House proceeded to the business on the Speaker's table. When the following bills were taken up and acted upon:

"A bill creating the 19th Judicial District, and defining the time of holding Courts therein," with an amendment from the Senate.

Mr. Lee moved to concur in the amendment proposed by the Senate.

Mr. Lesueur moved to postpone the consideration of the bill until Monday next. Lost.

The question then recurring in the concurrence, the same was put, and the amendment concurred in.

"A bill for quieting the title to real Estate in the City of Austin," with amendment from the Senate, and taken up amendment concurred in.

Mr. Rainey, chairman of the committee on Internal Improvements, reported recommending the passage of "a bill to be entitled an act to provide for boring artesian wells, between the Nueces and Rio Grande river"; report received.

On motion, the following bills originating in the Senate were taken from the Speaker's table, and disposed of as follows, viz:—

A bill to be entitled an act to amend an act to incorporate the Memphis, El Paso and Pacific Rail Road company, approved 4th February 1856, and also the act supplemental thereto, approved 5th February 1856" ; read 1st and 2d times and referred to the committee on Internal Improvements.

"A bill for the relief of Ignacio Perez" ; read 1st and 2d times and referred to the committee on Private Land Claims.

"A bill to allow a special Deputy Surveyor in certain cases, to sign official acts and papers" ; read 1st and 2d times and referred to the committee on Public Lands.

"An act to amend the 2d section of an act to re-organize the 8th Judicial District, and to define the time of holding courts therein" ; read 1st and 2d times and referred to committee on Judicial Districts.

"A bill for the relief of Thos. Stayton" ; read 1st and 2d times and referred to committee on Private Land Claims.

"An act to continue in force, an act making provisions for running and marking the boundary line between the State of Texas and the Territory of the United States, approved 2d February, 1856" ; read 1st and 2d times and referred to the committee on Federal Relations.

"An act granting donation of 1280 acres of land to Juana Alsberry" ; read 1st and 2d times and referred to the committee on Public Lands.

"An act to dispense with scrolls and seals in certain cases" ; read and 1st and 2d times and referred to the committee on Judiciary.

"A bill relinquishing to the Galveston dry dock company, the right of the State of Texas to twenty-five acres of land on Pelician flat, in the bay of Galveston" ; read 1st and 2d times, and referred to the committee on State Affairs.

"An act to amend the 2d section of an act concerning passengers coming to Texas, approved February 11th 1850" ; read 1st and 2d times, and referred to the committee on State Affairs.

On motion of Mr. Roberts, the rule was suspended, and "a bill for the relief of Marilla Prince" was taken up ; read 2d time.

Mr Witt moved to amend by inserting "Heirs" before Marilla wherever it occurred in the bill.

On motion of Mr. Powell laid on the table, and bill ordered to be engrossed ; rule further suspended ; read 3d time and passed.

On motion of Mr. Henderson, the House adjourned until 9½ o'clock, A. M., tomorrow.

AUSTIN, December 18th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

Mr. Henderson of Harris presented the petition of W. Richardson ; referred to committee on Claims and Accounts.

On motion of Mr. Tait, Mr. Buckley was excused from attendance on the House for twelve days.

On motion of Mr. Crawford, Mr. French was excused from attendance of the House for ten days.

REPORTS OF STANDING COMMITTEES.

Mr. Dennis, one of the Judiciary committee, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives

The Judiciary committee have examined the joint resolutions proposing an amendment of the Constitution of the State, so as to give to the Legislature the power to create bodies corporate, with banking and discounting privileges, and recommend their passage with the accompanying substitute for the 4th section.

But in this recommendation your committee do not wish to be understood as expressing any opinion whatever as to the policy of introducing a system of banking within the State. They are lead to believe, however, that it is a subject which has been much discussed among the people, and they deem it not inadvisable, that if the popular convictions are in favor of such system, an opportunity should be afforded of effectuating the popular will.

The proposed amendments embrace such restrictions as will tend to obviate some of the objections most generally urged against the incorporation of banking companies, and if it be desirable to incorporate them at all, will present the question in the least objectionable shape to the consideration of the people. Report received.

Also, made a majority report, recommending the passage of a joint resolution to change the Constitution of the State, so as to allow appeals from Justices' to the District Court. Report received.

Mr. Kittrell, by leave, presented the petition of sundry citizens of Harris county; referred to committee on State Affairs.

Mr. Harrison presented, by leave, the petition of sundry citizens of Wood county; referred to judiciary committee.

Mr. Hicks, one of the Judiciary committee, reported as follows:

TO HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the construction of an act passed August 1st, 1857, or the 8th section of said act, with a view of determining whether the appropriation made by said 8th section was included in the appropriation made in the 1st section of said act, or additional to said appropriation, have had the same under consideration, and instruct me to report, that it is the opinion of the committee that said appropriation is an additional amount set apart for the improvement of the various rivers mentioned in the 8th section.

The sum of \$300,000, appropriated in the first section of said act, is a fund placed under the control of the Governor, and to be drawn by him from the Treasury under the provision of the 7th section of said act, which section requires that the State Engineer draw drafts on the collectors and treasurers of the counties who have taken up private subscriptions for the various rivers, &c., and that the Engineer shall not draw drafts on the Treasurer until corresponding drafts have been drawn on said collectors for one-fifth of the amount drawn for on the Treasurer of the State; and that the Governor shall not countersign said drafts unless the draft drawn on the county collector has been actually paid by him. Whereas, the 8th section places the amount appropriated by it under the control and subject to the draft of the State Engineer, and which draft is not required to be countersigned by the Governor; nor are the sums so appropriated in the 8th section at all dependent on the contingency that private subscriptions have been raised; but the State Engineer is to appropriate the same, or expend it, under the provision of the act in ques-

tion. By referring to the 6th section we have the mode pointed out by which he shall expend the sum, to-wit: by contract.

This is either the true construction or there is no method pointed out by the act to draw the sums mentioned in the 8th section. The committee can see no good reason in setting apart the sum of \$50,000 to the Sabine river, provided the citizens along the same would subscribe the sum of \$12,500, which offer is made in the 2d section, and then make the further offer to Louisiana in the 8th section of the same act that if she would appropriate the sum of \$15,000 to the same river, the State of Texas would also give an equal amount. Unless the two propositions were made in bad faith, no other construction can be arrived at differently from the committee's.

Without elaborating a proposition, which seems so plain, the committee with great unanimity recommend the adoption of the following substitute for the original bill. Report received.

Mr. Wood, one of the Judiciary committee, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The Judiciary committee have examined the petition of W. B. T. Allen, to be relieved from minority, and report the accompanying bill and recommend its passage. The petitioner is 19 years old. The application is recommended by the guardian of petitioner.

Report received and bill read first time.

Also reported as follows:

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred a bill entitled an act to protect persons paying money to officers, have had the same under consideration, and instruct me to report unfavorably upon the same.

The object of the bill seems to be to make the payment of money to a sheriff or constable, where suit has been commenced, or about to be commenced, a discharge of the debt or claim. As the law now is, payment to the officer who has legally the possession of the execution is certainly a full and legal discharge of the debt. The committee apprehend that it would be difficult to devise any law that would operate a

certain protection to those who have money so plenty, or are so *green* as to pay the same over to one who is, not by law authorized to receive it.

An insuperable objection to the object contemplated by the bill is this: that no law can be passed that adds new conditions to the bonds of acting sheriffs and constables. The law can only affect officers hereafter elected. The committee deem that it would be unjust and impolitic to make the sureties of sheriffs and constables general insurer for the private trusts and agencies that their principals might assume to execute for Tom, Dick and Harry, and which would be clearly outside of the sphere of their official duties, as now provided by law. Let debtors inquire and satisfy themselves that the sheriff or constable has the execution in his hand, the payment of the money and the officer's receipt will be legal evidence of the discharge of the debt; if the officer has not the execution, let the debtor seek the creditor or his lawful agent or attorney. The exercise of such caution the committee believe will abolish all necessity for any additional legislation on the subject. The committee ask to be discharged from the further consideration of the subject. Report received.

Mr. Howerton, one of the committee on Private Land Claims, made the following report on the petition of J. C. Shiffeld:

COMMITTEE ROOM, }
December 18th, 1857. }

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the petition of J. C. Shiffeld, assignee of the heirs of Frederick Hemiger, deceased, have had the same under consideration, and heard the proof both written and oral accompanying the same, and have instructed the undersigned to report that they find that said Hemiger, deceased, emigrated to this country in the year 1834 with his family; that he resided here with his family until his death; that his administrator obtained a certificate for one league and labor of land from the board of Land Commissioners for Bastrop county; that the clerk in issuing said certificate made a mistake of one day in dating the same, and in spelling the name of the said Hemiger, writing it Henniker, and numbered the same 47 instead of 39; that the No. 47 was not approved by the Traveling

Board, but it was not to Hemiger or Henniker it was granted, but to quite a different person, of a name not at all alike to Hemiger or Henniker, either in sound or spelling; that No. 39, the number that the certificate before the committee, and about which petition seeks relief, should have borne, was recommended.

All of these facts were found by incontestible oral and written proof in the opinion of this committee—some of which oral proof was from gentlemen, members of this House, and the rest were gentlemen of indisputable character for veracity. In view of these facts, the committee are of opinion that petitioner is entitled to the relief sought, and therefore report the accompanying bill back to this House, and respectfully recommend its passage.

HOWERTON,
One of Committee.

Report received.

Also reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the bill for the relief of the heirs of Stephen Prather, Jr., deceased, have had the same under consideration, and find that said Prather emigrated to the State of Texas in 1824, and remained here until his death, in 1837; that he was at the storming of Bexar; that he never received any land; that he was a single man; that these facts were found upon the testimony of two honorable members of this House and other witnesses. The committee instruct me to report that they are of opinion that the heirs of said Prather are entitled to the relief sought by the bill, and recommend the passage of the same. Report received.

Also reported as follows:

To Hon. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom were referred the following bills, originating in the Senate, to-wit: A bill for the relief of Jane G. Collier, assignee of Joshua Collier; a bill for the relief of Harvy Trotter, and a bill for the relief of Geo. R. Rains, have had the same under consideration, and after a mature consideration, and hearing the proof, which was, in the opinion of the committee, ample and

indisputable, to sustain said bills, they report the same back to the House and recommend their passage. Report received.

Mr. Aycock, one of the committee on State Affairs, reported a substitute for a bill to incorporate the Freestone School Association, and recommended its passage. Report received.

Mr. Powell, one of the committee on Slaves and Slavery, reported as follows :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Slaves and Slavery, to whom was referred a bill permitting Nancy Coleman and other free persons of color therein named to remain in the State of Texas until the 6th day of April, A. D. 1860, have had the same under consideration. The facts before the committee were, that the named persons of color were sold in the State of Georgia, several years ago, into servitude for a number of years, and were brought to Texas before their term of servitude expired. They now ask to remain here until 1860, under a contract with their former owner, who pays them for their services in order that they may acquire sufficient means to take them from the State. The committee recommend the passage of the bill. Report received.

Mr. Henderson of Harris, one of the committee on Internal Improvements, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Internal Improvements, to whom was referred a bill to enable the counties of the State of Texas to subscribe for stock in such Railroad enterprises as they may deem proper to encourage, have duly considered the object of the bill, and have instructed me to report that in the opinion of said committee no policy could be adopted better calculated to facilitate the speedy construction of Railroads in this State. The committee have prepared a substitute for the original bill, and recommend its passage. Report received.

Mr. Bishop, one of the committee on Public Lands, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the petition of sundry citizens of Young county, and accompany-

ing bill, requiring the Commissioner of the General Land Office to cause to be made out transcripts of field notes of surveys in his office, made in Milam and Bexar Land Districts, now included in Young Land District, have had the same under consideration, and in view of the great inconvenience and consequent heavy expense that would devolve upon the county of Young, now in her infancy, and like all newly created counties, possessing but limited available means, in procuring the transcripts and sketch maps of surveys made in Milam and Bexar Land Districts as required by existing laws. The committee have instructed me to report back to the House the accompanying substitute for the bill, believing that it fully embraces the objects sought by the petitioners, being satisfied that Young county will thereby be relieved from the evident heavy expenses that they would otherwise have to incur by granting their prayer, and at the same time increase the revenues of the General Land Office, and therefore recommend the substitute as reported be passed. Report received.

A message was received from the Senate, announcing to the House that the Senate had passed a bill supplementary to and amendatory of an act to ascertain the legal claims for money and lands against the State, passed August 1st, 1856.

Mr. Aycock, chairman of the committee on Public Lands, reported, asking the reference of the claim of Florinda Dixon to the committee on Private Land Claims. Report adopted.

Also reported as follows :

TO THE 'HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the petition of Sam Jordan, Gilchrist and Jones, have examined the same and find them analagous to a class of claims which have been referred to the committee on Court of Claims, and being of the opinion that said committee is more competent, under the circumstances, to do justice, as well to the petitioners as to the State, have instructed me to report the same back and recommend such disposition. Report adopted.

Mr. Rhodes, one of the committee on Claims and Accounts, reported, recommending the indefinite postponement of the petition of Eli Kirk for the use of Francis Dieterich; report received.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly engrossed a bill to incorporate the Fire Association

of San Antonio, and a bill to incorporate the Beneficiary Association of San Antonio ; report accepted.

Mr. Ward, one of the committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for executive approval, a bill for the relief of Luciano Navarro ; report accepted.

Mr. Bee, chairman of the committee on State Affairs, reported as follows :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on State Affairs have examined a Senate bill to incorporate the Texas Baptist Publication Society, and report that it is the object of the bill to encourage the establishment of a large printing house, under the auspices of the Baptist Church, at Anderson, in Grimes county, and that they may hold real estate and otherwise systematize their operations, they ask the incorporation. They report the bill with the following amendments, and recommend its passage. Add additional section :

“Sec. 7. That this act shall take effect from its passage.”
Report received.

Also—

HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on State Affairs have examined a bill to amend the act incorporating the town of Madison, and report that the amendment proposes a change in the limits of the corporation, and appears to be satisfactory to those interested ; they therefore recommend the passage of the bill. Report received.

Also reported, recommending the passage of a bill to incorporate the town of Gilmer, in Upshur county. Report received.

Mr. Hart, one of the Select committee, to whom was referred a resolution, inquiring into the cause of the great delay in the delivery of the laws of the 6th Legislature to the several counties of this State, reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The Select committee, to whom was referred a resolution inquiring into the cause of the delay in the delivery of the

laws of the 6th Legislature to the several counties of this State, have had the same under consideration, and beg leave to submit the following report :

That Marshall & Oldham, Public Printers of the State of Texas, did not deliver the printed laws for distribution until the first day of January, A. D. 1857, of the adjourned session; that by law they are required to deliver the same for distribution within thirty days after they are furnished with the last copy of said laws ; that said Legislature adjourned its last session on the first day of September, A. D. 1857, and that the period of four months elapsed between the final adjournment of the Legislature and the printing of the laws for distribution. But at what time a copy of the last laws were delivered to the Public Printer we are not informed ; but in answer to a communication addressed by the committee to the Secretary of State, we are informed that said Public Printers failed to comply with their contract.

The committee would further state, that one Sherman Case was the contractor to deliver the laws, Journals and other books to the Chief Justices of the several counties of this State ; that by his bond he agreed to deliver the same in three months ; that they were delivered by him for distribution on the 13th day of February, A. D. 1857, and was not finally delivered until the —— day of July, A. D. 1857.

So from the above facts it will be seen that it was near twelve months from the adjournment of the 6th Legislature until the laws were finally delivered for distribution to the several county officers of this State. This is unprecedented heretofore in the State of Texas, and it would be difficult perhaps to find the same delay in the distribution of the laws after their enactment, in any government having written laws; and when we take into consideration that most of these laws went into effect at, or shortly after their enactment, and some of these highly penal in their character, and forfeiting some of the dearest rights of the citizen, it will not be strange that a general dissatisfaction throughout the State has been expressed.

This committee would suggest for the consideration of the House the propriety that a general law be passed preventing in the future any disbursing officer of the State from paying the full amount any contractor may be entitled to where they have failed to comply with their contract in point of time ; but that 25 per cent of said sum be retained in the hands of

the State to compel a prompt performance in the future, and that this report, with the accompanying letter from the Secretary of State, be referred to the committee on Public Printing for their consideration. Report adopted.

Mr. Hicks introduced a bill to authorize the cancellation of a certain contract for work to be done on Sabine River, upon the execution of a new one by the parties mentioned herein; read first and second times and ordered to be engrossed; rule suspended, read third time and passed.

Mr. Wood introduced a bill to reorganize the 13th Judicial District and define the time of holding courts therein; read first and second times and referred to the committee on Judicial Districts.

Mr. Aycock introduced a bill requiring surveyors to return certain certificates: read first and second times and referred to the committee on the Land Office.

Mr. Edwards introduced a bill to incorporate the Lynchburg and Swartwout Railroad Company; read first and second times and referred to the committee on Internal Improvements.

Mr. Hardin introduced a bill authorizing the change of certificates in certain cases, and

A bill for the relief of William Long; read first and second times and referred to the committee on Private Land Claims.

Mr. Lesueur introduced a bill to incorporate San Andres Lodge No. 170 of Ancient Free and Accepted Masons; read first and second times and referred to the committee on State Affairs.

Mr. Crook introduced the following resolution:

Resolved, That with the concurrence of the Senate, the two houses of the Legislature will convene in the Hall of the House of Representatives on Tuesday the 22d inst., at 11 o'clock, A. M., for the purpose of electing a Commissioner of Claims.

On motion of Mr. Lee, laid on table.

Mr. Chilton, chairman of committee on Finance, reported as follows:

HON. WM. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Finance, to whom was referred an act to amend an act entitled an act to raise a revenue by taxation,

have had the same under consideration, and has instructed me to report that it is the opinion of a majority of the committee that the ad valorem rate of taxation, upon all property, real and personal, in the State, can be safely reduced from 15 cents, the present rate, to ten cents on each hundred dollars value of property, and a revenue be raised sufficient for the support of the State Government. An accompanying bill is therefore proposed and submitted for the action of the Legislature, with a respectful recommendation that it be passed.

As the only difference of opinion on the part of the committee was as to the expediency of the reduction proposed in the ad valorem rate, I have deemed it but due to the committee and to the Legislature to call attention to that portion of the Comptroller's report which reviews very fully the suggestion of the Governor upon this subject, which is done by adopting it as a part of this report, for reference merely. A majority of your committee disagree with the Comptroller as to the correctness of his basis of calculation, and also his conclusions. Report received.

Mr. McKinney of Travis, by leave, introduced the petition of Rebecca Washington ; referred to the committee on Public Lands.

Mr. Locke introduced a bill to regulate the printing of the proclamations of the Governor ordering the votes to be taken upon resolutions to change the Constitution ; read first and second times and referred to the committee on Printing.

Mr. Hart introduced the following resolution, which was referred to the committee on Printing :

Resolved, That the committee on Public Printing be instructed to enquire into the propriety of limiting the printing of the Governor's proclamation in the newspapers of this State, and to regulate by law the pay for said printing.

Mr. Price introduced a bill to repeal an act creating a system of bankruptcy, &c. ; read first and second times and referred to the committee on the Judiciary.

Mr. Aycock offered the following resolution, which was adopted :

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of changing the law relating to Justices' Courts, so as to allow suits upon unliquidated demands, and cases founded in damages, to be brought before a Justice of the Peace in the beat in which the county seat is situated, in the county of the defendant's residence.

Also, the following resolution, which was adopted :

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending the 667th Article of Hartley's Digest, so as to make the same embrace suits to cancel deeds for land, and to remove clouds from the title and suits for specific performance of contracts for the conveyance of land, and such other provisions relating to the title as are necessary.

Also, the following resolution, which was adopted :

Resolved, That the committee on State Affairs be instructed to enquire into the expediency of repealing the usury laws of this State, and report by bill or otherwise, at their convenience.

Mr. Higgins introduced a bill to authorize the corporate authorities of the several towns and cities in the State of Texas to levy special taxes upon billiard tables and other gaming establishments of that character ; read first and second times and referred to the Finance committee.

On motion of Mr. Powell, the rule was suspended, and a report of the committee on the Judiciary, upon a bill to legalize the acts of the County Court of Montgomery county, acting as a board of land commissioners, taken up and report adopted.

On motion of Mr. Locke, the rule was suspended, and a bill for the relief of Edward Seeligson, assignee, &c., taken up, when Mr. Locke offered the following amendment, to come in after 1st section :

“Provided that this act shall not be construed as a legislative expression of opinion in regard to the validity of the claim of the said Edward Seeligson.”

Adopted, and bill read third time and passed.

Mr. Henderson of Harris moved to take up the engrossed bills on the Speaker's table ; carried, and

A bill for the relief of Lazaro Garza read third time and passed.

A joint resolution ordering the erection of a statue of Gen. Thos. J. Rusk taken up.

Mr. Edwards offered the following amendment, which was adopted :

“*Be it further resolved*, That the Chief Justices of the different counties in this State are hereby requested to have exposed, at each, and every general election to be hereafter held, a box for the purpose of receiving subscriptions. The

amounts collected to be equally divided between the monument to be erected to General Rusk and the one to be erected over the dead of San Jacinto."

On motion of Mr. Burke, the vote adopting the amendment was reconsidered, and resolution read third time and passed.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills originating in the House :

A bill to authorize the Comptroller of Public Accounts to dispose of one hundred thousand dollars of the five per cent. Government bonds ;

And the following bills originating in the Senate :

A bill for the relief of Lieut. M. Hitchcock.

A bill supplementary to an act to incorporate the Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company, passed September 1st, 1856.

On motion of Mr. Jennings, Mr. Howerton was excused from attendance on the House for ten days.

On motion of Mr. Witt, the rule was suspended, and a bill to authorize Thos. Wright to erect a mill on and construct a dam across the West Fork of Trinity River in Dallas county, taken up and Mr. Witt proposed to amend as follows :

After the word "county" in 2nd section, "provided that said dam shall not be constructed to such a height as to obstruct or interfere with any mill heretofore erected above and on the same stream ; adopted and bill ordered to be engrossed ; rule further suspended, read third time and passed by a two-thirds vote.

Mr. Rainey, chairman of the committee on Internal Improvements, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

A portion of the committee on Internal Improvements, to whom was referred a bill entitled an act to authorize the counties of the State to subscribe for stock in railroad companies, would respectfully submit this, their minority report :

The fourth section of said bill confers the power upon the county court of the several counties to determine the road, or part of road, upon which the amount of stock-subscribed by said counties shall be expended. This we believe to be a withdrawal of a power from the people to whom alone belongs the legitimate right to exercise it. The minority are of the opinion

that the exercise of the right of taxation by the Legislature should be attended with much caution and circumspection, as onerous taxation is incompatible with the welfare of the State. The people watch the exercise of this power with more jealousy than all others; and nothing contributes so largely to loosen and sever the bonds which link together the citizen and the State, as the abuse of a power, the employment of which necessity alone can justify. The undue exercise of this prerogative by other States has tended more to unsettle their population, and given a greater impetus to immigration from their borders than any other inciting cause. Then let Texas take warning by their example. It is the opinion of the undersigned, that when a resort to taxation is determined upon, for the accomplishment of any other object than the mere support of Government, the right should be, as nearly as possible, surrendered to the people—making them and not the Legislature responsible for its exercise.

Then, if the people are to be entrusted with the authority to tax themselves for the advancement of an enterprise local in its benefits, the right should certainly follow of determining for themselves the peculiar portion of said enterprise upon which the aid granted is to be expended; especially as they are presumed to know best their own interests in the premises. The bill provides, that in the event any county, by a vote of two-thirds, shall determine to take stock in Railroads by taxation, the county court of said county, instead of the people, shall select the road, or part of road, to which said subscription shall be devoted. This, if the foregoing conclusions be correct, is diverting power from its true and legitimate source, and confers it upon an authority irresponsible in its character.

It is a peculiar feature of our republican form of Government, that only those powers are conferred upon the National or State sovereignty, or the civil authorities under them, which, because of their unwieldy propositions, cannot be exercised by the people in their collective capacity. The largest liberty, compatible with good order in society, should be given to the people. For one, sir, I am emphatically of the opinion that the people of Texas are pre-eminently qualified for self-government in a political point of view, and equally qualified for determining for themselves upon questions of local interests; and if the privilege be given to the people of the counties to tax themselves, they should most certainly have the right

confided to them of selecting the object upon which said tax is to be bestowed.

All of which is respectfully submitted.

A. T. RAINEY.

Report received.

On motion of Mr. McKenney of Hopkins, a bill for the relief of Abel Morgan, with an amendment from the Senate, was taken up, and the House refused to agree with the Senate's amendment by a vote of 30 yeas to 47 nays.

On motion of Mr. Henderson of Harris, Mr. Rogers, Door-keeper, was excused from attendance on the House on account of sickness.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed, a bill for the relief of Edward See-ligson ; report accepted.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval, a bill to quiet titles to real estate in the city of Austin ; report accepted.

On motion of Mr. Price, Mr. Norton was added to the Judiciary committee.

Mr. Edwards, chairman of the committee on Military Affairs, made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives,

The committee on Military Affairs, to whom was referred a joint resolution authorizing the Governor of the State to draw and distribute the arms from the United States Government, to which this State is entitled, have had the same under consideration, and have instructed me to report the accompanying substitute, and recommend its passage. Report received.

Rule suspended, and report taken up and adopted, and bill ordered to be engrossed ; rule suspended, read third time and passed.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly engrossed—

A bill to incorporate the German Free School Association of Austin ; and

A bill for the relief of Marilla Prince. Report accepted.

A bill for the relief of C. K. Ham taken up, read third time and passed.

A joint resolution authorizing the Attorney General to discontinue the suits now pending in the courts of Travis county against the commissioners and superintendents of the State Capitol taken up and read third time.

Mr. Everett moved to adjourn ; lost.

On motion, the House adjourned 'till to-morrow morning, 9½ o'clock—pending : bill authorizing the Attorney General to discontinue the suits now pending in the courts of Travis county against the commissioners and superintendents of the State Capitol.

AUSTIN, December 19th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journals of yesterday read and adopted.

On motion of Mr. Upshaw, Mr. Cleveland was excused from attendance on the House for twelve days. Mr. Upshaw was excused for ten days from Tuesday next, and Mr. Lesueur excused for eight days from same day.

Mr. Waelder moved to excuse Mr. Crawford from attendance on the House for ten days.

On motion of Mr. Latham, a call of the House was ordered.

On motion, the call was suspended, the question then recurring upon the motion to excuse Mr. Crawford, the yeas and nays were demanded and Mr. Crawford was excused—47 yeas and 19 nays.

On motion of Mr. Wood, Messrs. Aycock and Dennis were excused from attendance on the House for ten days.

Mr. McKenney of Hopkins, presented the petition of sundry citizens of the 8th Judicial District ; referred to Judicial Committee.

Mr. Navarro offered the following resolution:

Resolved, That every member of this House, who may have an interesting wife, or a woman in his head, may have leave of absence for ten days ; laid on the table.

Mr. Hart offered the following resolution :

Resolved by this House, That it was not understood that by giving up this Hall for the ceremony of the Inauguration of Governor and Lieut. Governor, that it was intended by the members of the same to give their assent to have a ball, or dance in the same, or to remove the furniture therefrom.

On motion of Mr. Rhodes, laid on the table by the following vote: YEAS, Messrs. Speaker, Baldwin, Bee, Bishop, Burks, Chilton, Clow, Cooley, Craig, Doom, Evans of McLennan, Fisher, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Holland, Jennings, Johnson, Kittrell, Latham, Lee, Locke, McKenney of Hopkins, McKinney of Travis, Mills, Munson, Murrah, Poag, Powell, Rainey, Reeves, Shannon, Smith of Fannin, Tait, Upshaw, Waelder, Waterhouse and Wood—39.

NAYS, Messrs. Burnett, Carrol, Crook, Dalrymple Gaston, Hardin, Hart, Haynes of Washington, Henderson of Cass, Higgins, Joseph, Kinney, Kirk, Lacy, Lesueur, Lewter, Lloyd, Merriman, Norton, Price, Rhodes, Roberts, Ross, Scott, Smith of Orange, Walling and Witt—27.

On motion of Mr. Evans of McLennan, Messrs. Smith of Fannin, and Merriman were added to a select committee appointed to revise the tax law.

Mr. Burnett presented the petition of C. Pond ; referred to the committee on Private Land Claims.

Mr. Smith of Orange, presented the petition of M. McCormick ; referred to the committee on Claims and Accounts.

Mr. Bee offered the following resolution:—

Resolved, That the use of the Hall be granted to Dr. Francis Moore, on Wednesday evening next, for the purpose of delivering a lecture on the Geology of the State of Texas. Adopted.

Mr. Rainey presented the petition of T. G. Brooks ; referred to committee on Internal Improvements.

Mr. Locke offered the resolution:—

Resolved, That all bills passed by this House, shall be retained by the Clerk, until the time for moving a reconsideration of the vote passing the same shall have elapsed, unless instructed by the Speaker to report them to the Senate sooner ; Adopted.

Mr. Lee introduced a bill to allow Jas. H. Matthews to erect a mill, and construct a dam across the Colorado River ; read 1st and 2d times and referred to committee on State Affairs.

Mr. Reeves introduced a bill for the relief of A. C. Davis ; read 1st and 2d times, and referred to committee on Private Land Claims.

Mr. Navarro presented the petition of Swenson and Swisher ; referred to committee on Finance.

Mr. Jennings introduced a bill granting to persons therein named the privileges of erecting a Toll Bridge across the An-

gelina River and to bridge its sloughs, at or near the Buckshot Crossing ; read 1st and 2d times, and referred to Committee on Roads, Bridges and Ferries.

A message was received from the Senate announcing the passage, by that body, of a bill originating in the House for the relief of Lazaro Garza.

Mr. Hardin introduced a bill making an appropriation to pay a portion of the 2d Class debt of the late Republic of Texas ; read 1st and 2d times, and referred to Committee on Public Debt.

Mr. Waelder, one of the committee on Internal Improvements made the following report on the Aransas Bay Improvement:

The committee on Internal Improvements, to whom was re-committed the accompanying bill for a statement of the reasons which induced them to recommend its passage, beg leave to report as follows :

Corpus Christi is situated at the head of Corpus Christi bay, between which and Aransas bay is situated what is known as mud flats. These flats are at times covered by water, and schooners drawing no more than two feet of water, can pass from one bay to the other by a winding route. Both Aransas and Corpus Christi Bays contain a sufficient depth for the navigation of vessels which can pass over the bar between Aransas Bay and the Gulf. In 1854 a charter was granted to the City of Corpus Christi to cut a channel through the mud flats, by which to connect the two bays, and admit vessels to land at the wharf at Corpus Christi. This channel is to be from seven to eight miles in length. The distance from Aransas pass to Corpus Christi is about thirty-five miles. At the town, the high country commences from thence to the vast agricultural and stock-raising region of Nueces valley ; there is no hog-wallow, no low land to pass.

The channel through the flats thereof opens a communication from the Gulf to the high land, which is equivalent to thirty-five miles of Railroad through any other section of the State. This opens up to commerce a stock-raising country which is not surpassed in this State. A large extent of rich territory will thus be accomodated, which territory cannot be accomodated by any other mode except by the construction of a railroad from Aransas pass to the town of Corpus Christi, a distance as stated before of about 35 miles.

No railroad has been chartered in that section of the State.

Those counties whose natural outlet is through Corpus Christi cannot therefore derive any benefit from the general loan law, nor can these bays draw any of the fund appropriated for the improvement of rivers, for the reason that this improvement had been chartered and commenced prior to the passage of the law making that appropriation. Unless the section of the State which will be benefited by this channel can be assisted in the mode proposed by this bill, its population will be wholly excluded from any helping hand on the part of the State. It may be here remarked that no other section of the State so large in extent, is thus excluded. To every other section assistance is extended either by the loan law or the river appropriation law.

Your committee do not regard this improvement as one of a local character, inasmuch as it will benefit the entire country lying between the Nueces and Rio Grande.

The channel has now been cut to the depth of five, and to the width of sixty feet. The company engaged in its construction would as stated, have been able to complete the work but for the present crisis in the money market. The channel when completed will be of a permanent character, as your committee were informed by the State Engineer and others acquainted with the work; it being cut through hard blue clay, which forms hard substantial banks. In addition, the earth excavated is thrown up on either side to the height of several feet, which forms a protection and prevents the filling up of the channel when cut. It may also be remarked that there are no streams entering either bay at or near this point, which fact forms another security against the filling up of the channel; the security required to be given by the company is in the opinion of your committee ample and full to secure the State against loss on the risk of it. For these reasons and others which it is not deemed necessary to state in detail, your committee thought proper to recommend the passage of the bill when the same was first referred to them, and they now repeat that recommendation.

Mr. Aycock, Chairman of the committee on Public Lands, made the following report:

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred the bill to be entitled "an act more particularly defining the

rights of settlers by virtue of head-rights, bounty warrants, or pre-emptions on public domain," have had the same under consideration, and a majority instruct me to report, that the extension of the benefits of said bill would tend to encourage apathy, indifference and carelessness, on the part of those intended to be benefited in the employment of the liberal and ample means already provided by law for the perfection of their titles. It would result in still greater confusion and expense to the State, in the disposition of her public domain, which ought, by all means, to be diminished rather than increased. They, therefore, recommend its rejection. Report accepted.

Mr. Bishop, one of the committee on Public Lands, made the following minority report :

The committee on Public Lands, to whom was referred a bill more particularly to define and protect the rights of actual settlers upon the public domain, who have settled by virtue of head-rights, bounty warrants or pre-emption claims, have had the same under consideration, and a majority of said committee present, having instructed the Chairman of said committee to report adversely to the passage of the same, the minority, disagreeing with the majority, beg leave to make the following minority report, together with the accompanying bill as a substitute for the original.

The chief objection urged against the bill by the majority present of said committee, was that the notice contemplated in the first section of the bill would be productive of much confusion and litigation between the parties interested. The minority, not being gifted with that keen legal perception assumed by a portion of the majority present, could not then, nor can they yet, perceive that such a provision would have any tendency to create confusion or litigation. On the contrary, it would, in our humble opinion, have a salutary effect in preventing litigation, and thereby protect the actual settlers from being forced into litigation in defending their just and equitable rights to their homes and firesides, from the rude and merciless hand of the speculator, who is ever found ready to enrich himself by taking advantage of the poverty and ignorance of the settlers, who must ever remain, to a great extent, ignorant of the quibbles and technicalities of the laws under which their rights are acquired, and by which they are led to believe their rights will be protected, and who often find, when too late, that they have been fatally mistaken ;

laws which the most profound legal talents of the State have failed to harmonize and understand, with anything like unanimity of sentiment in their construction. It cannot, then, be expected that the actual settler, who forms the larger portion of the laboring classes of the country, can devote sufficient time to investigate them, nor that they could understand them sufficiently clear to protect their rights, had they the time to do so; and who are too poor to defend their rights in the courts of the country, against the wealthier, intriguing, keen, clear-sighted *land-sharks*, to be found in almost every portion of our wide-extended country; who, with but few exceptions, grow rich upon the misfortunes and ruin of the settler and tiller of the soil, who have been found the most worthy and meritorious class of our citizens. It was for the protection of this humble class of our fellow citizens, who are easily imposed upon, that prompted the introduction of the original bill, of which this is a substitute, and herewith reported back to the House by the minority of the committee. And we do so with the confident hope and belief that it will receive a favorable consideration by this House. There are other considerations connected with this subject, that we believe will commend this bill to your favorable consideration. It is not unfrequent that surveyors are exceedingly lax in the discharge of their official duties, and thereby jeopardize the rights of the settlers by such negligence, and, sometimes probably, designedly omit their duties. Collision with land locators has been frequently charged upon them, and in some instances, not without strong reasons going far to confirm such charges. The bill now presented it is believed will remedy, in an eminent degree, the evils and hardships complained of.

All of which is respectfully submitted.

A. BISHOP,
JAMES M. HARRISON,
ANDREW J. EVANS,
W. R. SHANNON.

Mr. Barnard, one of the committee on Public Lands, made the following reports:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred the petition for relief to assignees and vendees of settlers within the Mississippi and Pacific Railroad Reserve, have had the

same under consideration, and have instructed me to report unfavorably thereon, and ask to be discharged from its further consideration.

Also reported as follows :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred "a bill entitled an act requiring the return of field notes to the General Land Office when withdrawn by district surveyors for the purpose of being corrected," have had the subject under consideration, and being satisfied that it is highly important to have some period of time fixed when the evidence of survey and appropriation of land shall be returned to the General Land Office, or such surveys be annulled, have instructed me to report the following as a substitute to said bill, and recommend its passage. Report received.

Also reported adversely on a petition of sundry persons, respecting mines and minerals.

Also reported as follows :

The committee on Public Lands, to whom was referred "A bill originating in the Senate, entitled an act to amend an act for the relief of Arthur G. Wavell, passed August 27th, 1856, have had the same under consideration, and respectfully recommend that the same be rejected.

Report received, and on motion of Mr. Reeves, taken up and re-committed to the committee on Public Lands.

Mr. Waelder, one of the committee on Judiciary, made the following report :

The committee on the Judiciary to whom was referred the Senate's bill, supplementary to, and amendatory of "an act to regulate railroad companies" have maturely considered the same and recommend its passage with the amendments hereunto annexed.

"Amend by inserting in the second line of the third section, after the word "the" and the words "Vice President," the words, "President or"

Strike out the word "sold" in the 7th section immediately preceding the proviso, and insert therein the word "made."

Strike out the word "not" in the third time from the bottom of the 9th section, between the words "shall" and "abate."

Strike out the 13th section and insert in lieu thereof the following:

“Section 13. All railroad companies now chartered and organized, shall have six months to comply with the provisions of the second and third sections of this act, and that this act in all other respects, take effect and be in force from and after its passage.”

Report received, and on motion of Mr. Craig, the rule was suspended, report taken up and adopted ; rule further suspended, bill read 3d time and passed.

Mr. Barnard, one of the committee on Public Lands to whom was referred a bill originating in the Senate, entitled “an act to allow a special Deputy Surveyor in certain cases to sign official acts and papers,” have examined the same, and considering that there is at many times great necessity for such provisions have directed me to report the same back and respectfully recommend its passage ; report received.

Also, made the following report which was, on motion of Mr. Murrah taken up and adopted.

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Public Lands to whom was referred a bill originating in the Senate entitled “an act” granting a donation of 1280 acres of land to Juana N. Alsberry, have examined the same and are of opinion that its consideration belongs more properly to the committee on Private Land Claims, and have consequently instructed me to report the same back to the House and recommend its reference to that committee.

On motion of Mr. Clow, Mr. Mills was excused from attendance on the House for one week from next Monday.

Mr. Locke, Chairman of Committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval :

An act to create the 19th Judicial District and define the time of holding Courts therein, and an act for the relief of Lazaro Garza ; report accepted.

On motion of Mr. Henderson of Harris, a bill to amend the Charter and for the relief of the Houston and Texas Central Railroad Company, with report of committee on Internal Improvements, recommending amendments, taken up and amendments adopted.

Mr. Chilton moved to adjourn until 9½ o'clock A. M., Monday—the House refused to adjourn by a vote of 29 yeas to 37 nays.

On motion of Mr. Henderson of Harris, the bill under consideration was made the special order of the day for Tuesday next.

Mr. Murrah, Chairman of committee on Federal Relations, reported as follows :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Committee on Federal Relations to whom was referred a bill from the Senate to be entitled an act to continue in force an act making provisions for running and marking the boundary line between the State of Texas and the Territory of the United States, approved 2nd February, 1856, have examined the same and believing such a law necessary, return the bill and recommend its passage ; report received.

Mr. Murrah moved to suspend the rule to take up the bill and report—lost.

On motion of Mr. Henderson of Harris, the following bills were taken up, read first and second times and referred as marked, to wit :

A bill to be entitled on act supplementary to an act to incorporate the Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company, passed September 1st, 1856 ; referred to committee on State Affairs.

A bill to be entitled an act supplementary to and amendatory of an act to ascertain the legal claims for money and lands against the State, passed August 1st, 1856 ; referred to committee on Judiciary.

And a bill for the relief of Lieut. M. Hitchcock ; referred to committee on Claims and Accounts.

Mr. Hardin, one of the committee on Public Land Claims, reported as follows :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims have considered a bill entitled an act to authorize a change of certificate in a certain case, and I am instructed to return the same and recommend its passage.

The Commissioner of the General Land Office has established a general rule not to allow locations to be raised after surveys are returned to the Land Office, because of its interfering with connecting lines, but in this case there is but

one survey calling for the claim proposed to be raised, and this one is not patented and can therefore, easily be changed to correspond with the change of certificate ; report received.

Mr. Kirk, one of the same committee, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred a bill for the relief of William Long, for an augmentation certificate for 320 acres of land, (he having married previous to the 1st day of January, 1842,) have considered the same. The committee on a strict investigation of all the facts presented, are satisfied that William Long has heretofore received all the land to which he was legally or equitably entitled, and have instructed me to recommend its rejection ; report adopted.

Mr. Wood, one of said committee, reported as follows :

TO THE HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Austin College, located at Huntsville, have carefully considered the same, and have instructed me to report the accompanying bill and recommend its passage. The committee find from the evidence, that Austin College is the owner by a regular chain of transfer, of a title to one league of land, issued by George Antonio Nixon, Commissioner of Zavald's Colony, on the 5th November, 1835, to George Butler ; that the land surveyed under said title could not be designated on the map for the want of proper connecting points in the field notes. It is certified by the Commissioner of the General Land Office, that the said land title appears paid upon its face. Owing to the fact before stated, the want of proper connection in the field notes ; it is impossible to designate the locality of the land, and in its present situation the title is worthless to the College. Austin College has struggled into existence under many disadvantages and difficulties, and the high position that it now occupies, as an institution of learning, dispensing its benefits to the citizens of our State, certainly commend it favorably to the consideration of the legislature. As this transfer of title was made to the College for the purpose of aiding it to assume and sustain a position of practical

usefulness, and as this object is defeated by the careless manner in which the field notes of the survey were made, the committee feel that it is nothing more than an act of justice to the Collège and the cause of education, of which it is so efficient an agent, for the Legislature to donate it a corresponding amount of land. The committee prefer to put it on the ground of a pure donation, from the fact, that they are unwilling to give the semblance of legislative sanction to the validity of the original grant ; report received.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly Engrossed, a bill to be entitled an act authorizing the cancellation of a certain contract for work to be done on Sabine river upon the execution of a new one, by the parties mentioned herein ; report received.

BILLS AND RESOLUTIONS.

Mr. Shannon introduced a Joint Resolution to reinstate the suit lately pending in the District Court of Dallas county, in which the State of Texas was plaintiff and the Peter's Colony Contractors defendants ; read first and second times and referred to committee on Judiciary.

Mr. Kittrell introduced the following resolution which was adopted :

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the Act in Hartley's Digest, entitled an act to organize Justice's Courts, and to define the powers and jurisdiction of the same, as to increase the bonds required of Justices of the Peace on entering on the discharge of their duties.

Mr. Higgins introduced a bill to be entitled an act for the protection of Artizans, Builders, Mechanics and persons furnishing building materials ; read first and second times and referred to a select committee.

Mr. Edwards introduced a bill supplemental to an act entitled an act to incorporate the Galveston Bay Railroad and Lumber Company, passed September 1st, 1856 ; read first and second times and referred to committee on Internal Improvements.

Mr. Bee introduced a bill to authorize the County Court of Webb county to levy a special tax ; read first and second times and referred to committee on Finance.

Mr. Powell moved to suspend the rule and take up a bill permitting Nancy Coleman, Sen., and other free persons of col-

or therein named to remain in the State of Texas until the 6th day of April, 1860—lost.

Mr. Kittrell introduced the following resolution :

Resolved, That the rule requiring this House to meet each morning at 9½ be suspended, and that the House meet hereafter each morning at half past nine, and each evening at 7 o'clock beginning this evening (next Monday evening being excepted.) Laid on table one day for consideration.

Mr. Locke moved to suspend the rule and take up a bill to incorporate the town of Gilmer—lost.

On motion, the House adjourned until half past nine o'clock A. M., Monday, by a vote of 48 yeas to 21 nays.

AUSTIN, December 21st, 1857.

House met pursuant to adjournment—roll called—quorum present—Journals of Saturday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Barnard, one of the committee on Public Lands, made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands to whom was referred a bill "to legalize the transcripts of the records taken from Cooke and Denton Land Districts of surveys now included in Young county Land District," have examined the same and find that the object of the bill is to facilitate the completion of Young Land District, so that its surveyor may proceed to perform the duties of that office, with as little delay as possible, which object they approve ; but consider that it will be better accomplished by the following substitute which they instruct me to report back to the House, and recommend its passage ; report received.

On motion of Mr. Edwards, the House adjourned until ¼ of 11 o'clock.

Quarter to 11 o'clock, House met—roll called—quorum present.

Senate appeared, headed by Hon. M. D. K. Taylor, President pro-tem., who was invited to a seat on the right of the Speaker and Senators to seats prepared for them. Joint roll called—

quorum present—the retiring Governor and Governor and Lieutenant Governor elect, were announced at the door and invited to seats on the right of the Speaker and President pro-tem. Prayer by Rev. E. Fontaine ; his excellency, E. M. Pease, retiring Governor, was then introduced by the Speaker and addressed the House as follows :

[See Appendix.]

The oath of office prescribed by the Constitution, was then administered by Chief Justice Hemphill, to his excellency, H. R. Runnels, Governor elect, and to Hon. F. R. Lubbock, Lt. Governor elect. The Speaker then introduced H. R. Runnels who addressed the auditory as follows :

[See Appendix.]

The Lt. Governor was then introduced by the Speaker and delivered the following address :

[See Appendix.]

On motion, the Senate returned to their Chamber.

Mr. Kittrell offered the following resolution :

Resolved, That 1,000 copies of the addresses of the late Gov. E. M. Pease, and the Inaugural Address of Gov. Runnels and Lt. Gov. Lubbock, be ordered by this House to be printed for the use of the House ; adopted.

Mr. Edwards offered the following resolution :

1st. *Resolved*, That the House of Representatives has heard with profound regret of the death of Senator Hiram G. Runnels, a member elect of the Senate from Harris county.

2nd. That in this melancholy event, the county has sustained an irreparable loss. He was a gentleman, distinguished by his public services, by his enlightened views of public policy, by his unflinching devotion to the interests of his country and by his tried patriotism.

3rd. That we tender to the family of the deceased our sincere condolence in this their sad bereavement.

4th. That the House will manifest their respect for the memory of the deceased by the usual badge of mourning, and that a copy of these resolutions be transmitted to the family of the deceased.

5th. That the House now stand adjourned until to-morrow morning at half past nine o'clock.

Mr. Henderson of Harris, said :

Mr. Speaker : In rising, to second the resolutions offered by my colleague, it will not be inappropriate in me, as a Repre-

sentative from the county of Harris, and as a friend of the deceased, to say something of his public service and private worth.

He was a native of Georgia, aged about 58 years, and the son of Harmon Runnels, a revolutionary soldier, and one of that gallant band who fought at the Cowpens, and there received a wound which he carried with him to his grave. He emigrated with his family to Mississippi, then a Territory, in the year 1810, and was an active and energetic citizen, and was in both Conventions that framed the Constitutions of Mississippi.

His son, Hiram G. Runnels, grew up with the people of Mississippi, and was often called to fill important public trusts. He was twice elected Comptroller of public accounts, was elected Governor of the State, and was chosen both as a Representative and State Senator, as well as to other offices, all of which he filled with ability, and to the satisfaction of his constituents, and the people at large. He came to Texas in 1842, under a call for volunteers. Having received authority to raise a regiment for the service of Texas, he was on this service when all officers were recalled by the President of the Republic. He soon after immigrated with his family, and settled in Brazoria, with the view of building up his shattered fortune, which had been greatly impaired by his kind-hearted generosity in lending the use of his name to friends in those times of financial distress in Mississippi. He was selected by the people of Brazoria county as a delegate to the Convention that framed our present Constitution, and was an active and able member of that body. He was chosen as Chairman of the Committee on the Legislative Department; and it is to him we are indebted for that provision in our Constitution, which prevents members of the Legislature from voting for any member for any office whatever. He was subsequently elected by the people of Galveston and Brazoria, their State Senator, to fill a vacancy; but from a doubt as to the constitutionality of his election, he never took his seat. Two years ago he settled in the county of Harris, and by his manly course and bearing he soon won the confidence of all who came in contact with him. During the last summer he entered upon the canvass and was elected State Senator, and although he never took his seat, the people of Harris county have suffered a great loss by his death.

Mr. Speaker: I have thus briefly alluded to some of the public service of Hiram G. Runnels: but, sir, to those who knew him well as I have done for 15 years, can bear testimony

for his moral worth, for I can assure you that in all the relations of life, either as a public or private man, there was much to admire ; he was brave, generous, confiding—his hand and purse were ever open to a friend ; he was a kind parent, a devoted and affectionate husband, and whilst we mourn his loss as a distinguished public man, let us sympathize with his bereaved family and send them resolutions of condolence—to the family whose hearts have been made sad by the loss of their best friend.

Mr. Jennnings said :

[Not sent in by the Clerk.]

The resolutions were adopted, and the Speaker declared the House adjourned until half past nine o'clock, A. M., to-morrow.

AUSTIN, December 22d, 1857.

House met pursuant to adjournment—roll called—there being no quorum, and the Sergeant-at-Arms and his assistant being absent, Mr. William A. George was appointed Sergeant-at-Arms, pro tem., and despatched for absentees.

Mr. Price moved to adjourn under the rule ; lost.

A quorum being announced, the House proceeded to business.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, chairman of committee on Education, made the following report:

HON. WM. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Education, to whom was referred a bill to aid chartered Colleges, now in successful operation in the State, have carefully considered the same, and have instructed me to report favorably thereon.

Your committee deem it unnecessary to embody in their report an elaborate essay on the subject of Education. Its benefits and blessings in a popular government like ours, are acknowledged by all ; for history and experience have taught the very important lesson that if you wish a people to appreciate and understand the blessings of civil and religious liberty, you must enlighten them—you must educate them. This, then, being a political axiom, it certainly devolves upon us,

the legislators of the State, who embody and represent the interest of the State, to properly provide for and appropriate the means necessary for the diffusion of morals and intelligence among the masses of the people who are the depositories and fountains of power in a democratic government like ours.

The question then is, how shall we do this? The answer is a plain one. Aid by liberal endowments such institutions as have struggled into existence by individual and associate enterprise, and which are now dispensing amongst us the lights and benefits of science, and which stand loudly knocking at your door for legislative patronage and aid, to enable them not only to sustain themselves in their present position, but to go on advancing in character and importance, until we can have in our midst institutions of learning that will furnish the amplest means for the education of the youths of Texas.

Your committee deem this a plain practical question, and they would ask the Legislature to view it as such. It addresses itself to our reason; to our liberality, and our best interest. Your committee would respectfully suggest as their opinion, that the people of Texas are in advance of the Legislature in educational spirit and enterprise. The universal sentiment with them is, help our institutions of learning that we have already originated.

Place them on a permanent and healthy basis, then go on with such other advancements in the great cause of education as the resources of your State will justify and the growing wants of the people may demand.

Whilst we would not attempt to disparage the claims of any of the literary institutions of the State, but would recommend them all to the fostering care of legislative patronage, yet we feel it to be our duty especially to commend to your favorable consideration Austin College, the Baylor University, Soule University, Dangerfield and McKenzie Institutes. They have attained a position and importance in the literary history of our State which would seem not only to justify on our part, but imperatively demand aid at our hands.

Austin College has, as we all know, sustained a heavy blow in the death of Dr. Baker, its venerable founder. Even with his untiring energy, it hardly struggled into existence and was sustained; and we are seriously apprehensive without some aid from the Legislature it must go down, and thereby disappoint the long cherished hopes of the friends and the cause of education throughout the State.

That venerable man when he was removed from us, left in press the following condensed reasons why we should aid Austin College—the proof sheet of which he corrected a few hours before his death—and we would respectfully hereunto submit them as a part of the closing of our report. All of which is respectfully submitted. Report received.

Mr Brown, one of the committee on State Affairs, made the following minority report:

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The undersigned, a minority of the committee on State Affairs, beg leave to make a report, dissenting from the majority, on the petition of the citizens of Galveston, asking an extension of the corporate limits of said city. The majority report adverse to the petition was made some time since, but this has been deferred in consequence of the indisposition of one of the undersigned, (Mr. Brown.)

The facts are that the people of the city, almost without a dissenting voice, desire the extension for various reasons. The proposed addition is part and parcel of the original town as surveyed, exhibited on the original map, and thereby dedicated by the original proprietors. It was then, and has ever since been, subdivided into streets and lots; it is a part of the same tract of land; has on it all of the cemeteries, and is as much a part of the city as any unimproved neighborhood east or south within the corporate limits. Sixteen citizens only remonstrate. They live in the proposed addition. A few who live on the same part ask to be taken in, besides many others who own lots in that part. At present the western line of the city is quite near the business section, on the shipping side. The property and property holders within the district in dispute, are as much benefitted by the business, trade, market, and improvements of the city, as any other of the suburban portions; they have all of the benefits and none of the burthens of the city.

We hold that the general good of the whole city, as laid out by the founders in 1838, and as held out to the public upon the maps ever since, should be the rule of decision by this Legislature, and not the voice of a mere handful, however respectable they may be, and that the remonstrants are deservedly so we freely admit. The contrary course would enable a few men at any time to prevent the growth of any city.

We hold further, that the united voice of the delegation representing a constituency, when backed by the almost unanimous voice of that constituency, is entitled to respectful consideration in their local matters, unless the request be wrong in principle. We therefore submit the accompanying bill and recommend its passage.

Report received and bill read first time.

Mr. Hardin, chairman of the committee on the Land Office, reported as follows:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on the Land Office, to whom was referred the petition of William H. Jones, late District Surveyor of Refugio, for payment of his accounts for transcript of records, dated in 1847, and for surveying land scrip in 1848, have had the same under consideration, and instruct me to report, that they find the transcript made by petitioner was done under an order of the Commissioner of the General Land Office, and compensation therefor not yet made by the State, there being no appropriation from which said account, amounting to \$62 20, could be paid. Also, that said surveys made on Islands were confirmed by a law passed at the last session of the Legislature, and that in consequence of the passage of said law the Commissioner of the General Land Office has approved the account of petitioner for making said surveys, for the sum of seven hundred and forty-seven dollars and seventy-three cents, which would have been paid, as your committee is informed and believe, had not the appropriation applicable thereto been nearly expended.

Your committee, therefore, have prepared a bill appropriating for his relief the sum of said accounts, amounting to eight hundred and nine dollars and ninety-three cents.

Report received and bill read first time.

Mr. Locke, chairman of the joint committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval, a bill to be entitled an act supplementary to and amendatory of an act to regulate Railroad Companies, approved February 7, 1853. Report accepted.

Mr. Munson, by leave, presented the petition of George D. Shaw; referred to committee on Private Land Claims.

On motion of Mr. Henderson of Harris, the House proceeded

to take up the business on the Speaker's table and orders of the day.

A resolution offered by Mr. Kittrell, relative to the times of meeting of the House taken up.

Mr. Edwards moved to lay on the table ; lost by a vote of 24 yeas to 37 nays.

Mr. Henderson of Harris moved to postpone the consideration of the resolution until the 1st of January.

On motion of Mr. Norton, the previous question was ordered, which being the postponement of the resolution till 1st of January, the same was put, and the House refused to postpone by a vote of 29 yeas to 38 nays.

On motion of Mr. Henderson of Harris, a call of the House was ordered.

Mr. Edwards moved to adjourn until half-past nine tomorrow.

Declared out of order by the Speaker.

Mr. Locke moved a suspension of the call ; lost.

On motion, the call suspended.

Mr. Ross moved the previous question.

On motion of Mr. Henderson of Harris, a call of the House was ordered.

On motion of Mr. Gaston, call suspended.

A message was received from the Governor, which was as follows :

EXECUTIVE OFFICE, }
DECEMBER 23, 1857. }

Gentlemen of the Senate,

and House of Representatives :

I have the honor to transmit herewith for your information the enclosed copy of a letter from Col. R. S. Neighbors, Supervising Agent of Texas Indians, in regard to the recent depredations committed upon our frontier ; from which it will be seen that they have been traced to the Kickapoos, who have made incursions into the State from the Indian Territory north of Texas. He states that these Indians had passes, and that the United States troops do not feel authorized to drive them out of the State.

It is the duty of the General Government to keep these Indians out of Texas, and our citizens have a just claim on that Government for indemnity on account of these depredations.

The recommendations contained in the letter in regard to

the proper action to be taken, are respectfully commended to your consideration.

I shall without delay address General Twiggs, and request him to exercise the authority with which he may be invested to prevent the recurrence of like depredations in future, and for the surrender of the murderers to the proper authorities for punishment.

H. R. RUNNELS.

On motion, referred to the committee on Federal Relations.

On motion of Mr. Locke, resolution under consideration was laid on the table.

Mr. Burnett introduced the following resolution :

Be it resolved by the House of Representatives, That a Select committee of physicians be required to enquire into the expediency of establishing a Medical Board, for the purpose of examining Diplomas, granting certificates, &c., to protect the country against quacks, &c., and report by bill or otherwise.

Mr. Witt moved to amend by striking out “&c.,” wherever it occurred.

Carried, and resolution as amended adopted.

Mr. Hall introduced a joint resolution relative to Indians west of the Pecos river ; read first and second times and referred to committee on Federal Relations.

Mr. Lewter, one of the committee on Claims and Accounts, by leave, made the following report :

The committee on Claims and Accounts have examined the evidence and facts connected with the claim of Mrs. Margaret McCormack, which was referred to them, and find them to be, according to the testimony adduced, about these :

Mrs. McCormack in 1836 lived near the spot upon which the battle of San Jacinto was fought ; had a large stock of cattle, a great portion of which was consumed by the Texas army, or otherwise destroyed ; those butchering cattle would shoot the fattest and best ; a great many wounded ones made their escape and died, &c. ; for all of which petitioner asks \$2,904, as justly due her by the State.

She is eminently calculated to excite the sympathies of the Legislature. The claimant is a *woman*—a widow—an old citizen of the Republic—and in common with her country-women had to endure the vicissitudes and fiery trials of the revolution. The cattle taken doubtless gave material aid to the army at a time when it would have proved disastrous

to have been without provisions; and they were taken, and consumed too, upon that spot of all others, in Texas, forever consecrated to immortality—the battle ground of San Jacinto.

But the majority of the committee deem it unwise policy to allow claims of this character, and are determined to reject them in every instance where they do not come within the terms of the law. The losses sustained by the petitioner were the consequences of war, and in which she was not alone. Thousands of others, having equally meritorious claims, of a like character, might with the same propriety present them for payment, which, if allowed, would *beggar* the State to pay them.

It has been the fixed policy of all governments for centuries past to refuse payment of spoliation claims caused by war, and Texas, acting in a similar manner, has by former legislation invariably refused to acknowledge this class of debt, and the majority of the committee are unwilling to make inroads upon a policy which has now become fixed upon the country. The Legislature of the State has fixed the standard of proof of these claims, in that manner which affords the most security to the public Treasury and convenience to the claimant. This claim does not come up to that standard, independent of the considerations herein expressed. It is idle for the law to lay down a rule and then fritter it away by numerous exceptions, of which this case is one.

In view of these facts, a majority of the committee have instructed me to report the petition back to the House, and respectfully recommend its rejection. Report received.

A message was received from the Senate, announcing to the House the passage of the following bills originating in that body, to-wit:

An act to authorize the county court of Wharton county to levy a special tax ;

An act to amend an act to incorporate the Houston Tap and Brazoria Railway Company, passed September 1st, 1856;

An act to extend the jurisdiction of the district court of the county of Cameron over the county of Hidalgo ; and

A bill defining the time of holding the terms of the district court in the 12th judicial district ;

And the following bills originating in the House, to-wit :

A bill for the relief of Joseph Baker ;

A bill to incorporate Colorado College ;

A bill authorizing and requiring all forced sales of negroes and real estate, made by executors and administrators, to be made at the door of the Cassimer House, in the city of Indianola—the last named bill with an amendment.

Also, that the Senate concur in the amendment of the House to a bill to amend an act to regulate Railroad Companies, passed February 7, 1853; and recedes from its amendment to a House bill for the relief of Abel Morgan, in which the House refused to concur.

Mr. Lee introduced a bill to force the return of land certificates and field notes to the General Land Office; read first and second times and referred to the committee on Public Land.

The special order of the day, viz: A bill to amend the charter and for the relief of the Houston and Texas Central Railroad Company taken up.

A message was received from the Senate, announcing to the House the passage of the following bill, originating in the Senate, viz:

A bill to amend the charter and for the relief of the Houston and Texas Central Railroad Company.

On motion of Mr. Henderson of Harris, the bill under consideration ordered to be engrossed.

Mr. Wælder moved to suspend the rule and take up a bill for the improvement of Aransas Bay; lost by a vote of 16 yeas to 41 nays.

There not being a quorum voting, on motion of Mr. Hicks, the House adjourned until to-morrow morning, 9½ o'clock.

AUSTIN, December 23d, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Gaston, one of the committee on Claims and Accounts, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Claims and Accounts to whom was referred a Senate bill for the relief of Ygnacia Perez, and also, the petition of Francisco Ruez, have had the same under con-

sideration, and after a careful examination of said claims, a majority of the committee have instructed me to make the following report :

Petitioners show that during the war with Mexico in the year 1837, they furnished a large number of beef cattle, together with horses and mules for the subsistence and maintenance of the Texan Army, for which they have never received any remuneration from the State of Texas. The accounts certified to by Col. John Seguin, as Commander of the forces for whose use the property was taken. But in addition to this certificate the regulations of the Army require that an accounting officer of the Army, such as a Quarter Master or Assistant Commissary of the subsistence, shall receipt for all property purchased or appropriated for the Army, and certify that the same was indispensable for the public service. This certificate the petitioners failed to obtain, and as it has been the policy heretofore established by the Legislature of our State to consider such claims as coming under spoliation claims, and as misfortunes to which the citizens of all Governments which are engaged in warfare are exposed, and believing that many claims equally meritorious, might be brought up by hundreds of the citizens of Texas, and that it would be treating them with great injustice and pay some and leave those who have thought proper not to bring up their claims against the State unpaid, therefore, the majority of the committee are of the opinion that said claims should not be paid.

The Legislature has already provided the standard of proof of these claims, having due regard to the public Treasury and the convenience of the claimant. The proof of neither of these claims come up to that standard, and it is idle first to establish a rule by a general law and then fritter it away by endless exceptions.

There may be much merit in these claims, and to pay them the majority of the committee would freely sanction, if it was not opposed by a stern and prudent policy which, in our judgment, admits of no relaxation ; report received.

Mr. Locke, Chairman of the committee on Enrolled Bills made the following report :

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The Joint Committee on Enrolled Bills, have examined the following bills, and find the same correctly Enrolled, properly

signed, and they are this day presented to the Governor for his approval, to-wit :

A bill to incorporate Colorado College, and,

A bill to authorize the Comptroller of Public Accounts to dispose of one hundred thousand dollars of the five per cent. Government bonds ; report accepted.

Mr. Munson gave notice that he would make a minority report on the claims of Ignacio Perez and Francisco Ruez.

BILLS AND RESOLUTIONS.

Mr. Evans of McLennan, introduced a bill to incorporate the Waco Union Female Institute ; read first and second times and referred to committee on Education.

Mr. Ross introduced a bill for the distribution of the standard of weights and measures in this State ; read first and second times and referred to committee on State Affairs.

Mr. Wælder introduced a bill to be entitled an act providing for re-surveys and divisions of land and for records of the same ; read first and second times and referred to the committee on Judiciary.

Mr. Bishop introduced a bill to be entitled an act making appropriation for paying fees to Sheriffs and Clerks, as allowed by the criminal Code for the years 1856 and 1857 ; read first and second times and referred to the committee on Finance.

Mr. Lee introduced a bill to be entitled an act to reopen Austin's, DeWitt's, De Leon's and other colonies ; read first and second times and referred to committee on Public Lands.

Mr. Price introduced a bill to be entitled an act to amend an act entitled an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas ; read first and second times and referred to committee on Judiciary.

Mr. Lacey introduced a bill to be entitled an act to prohibit the carrying of concealed weapons, read first and second times and referred to committee on State Affairs.

Mr. Latham offered the following resolution :

Resolved, That William George be entitled to the sum of five dollars for acting as Sergeant-at-Arms this morning ; and that the same be paid out of any money not otherwise appropriated, out of the contingent fund of this House, and that the amount be deducted from the per diem of the Sergeant-at-Arms of this House ; adopted.

Mr. Brown introduced a bill to prevent certain public offi-

cers from acting as agents or attorneys in certain cases ; read first and second times and referred to committee on Judiciary.

Mr. Baldwin introduced a bill to amend the 2nd Section of an act entitled an act to incorporate the Eastern Texas and Red River Insurance Company ; read first and second times and referred to committee on Judiciary.

Mr. Witt offered the following resolution :

Resolved, By the House, the Senate concurring, that the two Houses of the present Legislature adjourn *sine die* on Monday, the first day of February next ; laid on table one day for consideration.

The Speaker announced the following committee on a bill for the protection of Artisans, Builders Mechanics and persons furnishing building material, viz : Messrs. Higgins, Chairman, Haynes of Washington, Crook, Burks and Fisher.

The Speaker, on a resolution for examining Physicians relative to capacity, &c., appointed the following committee : Messrs Tait, Chairman, Merriman, Barnard, Kittrell, Baldwin, Kirk and Ross.

On motion of Mr. Henderson of Harris, the rule was suspended and a bill to amend the Charter and for the relief of the Houston and Central Texas Railroad, taken up and substituted for the House bill for the same purpose ; bill read second time and passed to a third reading ; rule further suspended, bill read third time and passed by a two-thirds vote.

ORDERS OF THE DAY.

The following Senate bills were taken up, read first and second times and referred to committees.

A bill to extend the jurisdiction of the District Court of Cameron county over the county of Hidalgo ; referred to Judicial District committee.

A bill defining the time of holding the District Court in the 12th Judicial District ; referred to committee on Judicial Districts.

A bill to amend an act incorporating the Houston Tap and Brazoria Railroad Company, passed September 1st, 1856 ; referred to committee on Internal Improvements.

A bill to authorize Wharton county to levy a special tax ; referred to committee on State Affairs.

A Joint Resolution authorizing the Attorney General to discontinue the suits now pending in the District Court of Travis county, against the Commissioners and Superintendent

of the State Capitol, taken up and House refused to pass the same by the following vote :

YEAS—Messrs. Speaker, Baldwin, Bee, Edwards, Evans of McLennan, Hall, Hardin, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Jennings, Joseph, Kinney, Latham, Lee, Lloyd, McKinney of Travis, Merriman, Munson, Navarro, Norton, Powell, Price, Smith of Orange, Ward and Witt—29.

NAYS—Messrs. Barnard, Bishop, Brown, Burks, Burnett, Carrol, Craig, Crook, Doom, Evans of Austin, Fisher, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hicks, Johnson, Kirk, Kittrell, Lacy, Lewter, Locke, McKenney of Hopkins, Mills, Poag, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Wælder, Walling, Waterhouse and Wood—38.

Mr. Ross moved to reconsider the vote just taken and to lay the motion on the table.

On motion of Mr. Lee, a call of the House was ordered ; call suspended, and on motion of Mr. Wælder, the motion to reconsider was postponed until January 4th, next.

A message was received from the Senate announcing to the House, the passage of the following bills originating in the Senate :

A bill to release the right of the State to Mines, Salt Licks and Salt Springs and to allow the public domain on which the same are situated to be located.

A bill to provide for the incorporation of Towns and Cities.

Also, the following bills, originating in the House, with amendments :

A bill to authorize the Commissioner of the General Land Office to cancel Patent No. 815, vol. 8, &c., and a bill to regulate the pay of Grand and Petit Jurors in Smith county.

Mr. Price introduced the following resolution :

Resolved, That the Sergeant-at-Arms be and is hereby required to have placed in the passage between the Senate chamber and the Hall of the House, a suitable table, wrapping paper and paste for the use and convenience of the members ; adopted.

Mr. Lee introduced a bill for the relief of Lansing and Watson ; read first and second times and referred to committee on Claims and Accounts.

On motion of Mr. Reeves, the rule was suspended and a bill creating the county of Montague, taken up and passed to a

third reading, rule further suspended, read third time and passed.

On motion of Mr. Reeves, the rule was suspended and a bill creating the county of Clay, taken up, and passed to a third reading, rule further suspended, read third time and passed.

The hour having arrived the special orders of the day was taken up, viz :

A bill to be entitled an act for the protection of persons and property, in course of travel or transportation on the public highways and roads of the State.

On motion of Mr. Wælder, postponed until 4th of January, 1858.

On motion of Mr. Edwards, the rule was suspended and a bill to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company, taken up and ordered to be engrossed; rule further suspended, read third time and passed by a two-third vote.

On motion of Mr. Harrison, the rule was suspended and a Senate bill for the relief of Eli H. Page, taken up and passed to a third reading; rule further suspended, read third time and passed.

A message was received from the Senate announcing to the House, the passage of the following House bills :

A bill to incorporate the town of Weatherford.

A bill for the relief of Martin Winnie.

A bill to organize the county of Presidio, and

A bill to incorporate the town of Bonham, with an amendment.

Mr. Holland offered the following resolution :

Whereas, It has been heretofore supposed and believed by the people, and including many members of the Bar and Bench, that the act of the 6th Legislature entitled an act to adopt and establish a Penal Code for the State of Texas, approved 28th August, 1856, did repeal an act approved 2d February, 1850, entitled an act to authorize the county Courts of this State to grant a license for the retail of spirituous, vinous and other intoxicating liquors in smaller quantities than a quart, imposing a license tax for such privilege; and

Whereas, Many persons since the passage of the first above recited act, have engaged in the sale of spirituous, vinous and other intoxicating liquors in smaller quantities than one quart, not supposing that they were violating any law of the land; and

Whereas, It has been recently decided by the Supreme Court in the case of ——— vs. ———, the above recited act of 2d February, 1850, is not repealed by the act of August 28th, 1856 ; therefore,

Be it Resolved, That the committee on Judiciary be instructed to enquire into the propriety of passing a law to relieve all such unintentional offenders and remit all such penalties as may have been incurred under said recited act, and report by bill or otherwise ; adopted.

On motion of Mr. Bee, the rule was suspended and a bill taken up for the relief of Jose M. Gonzales ; read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

On motion of Mr. Runnels, the rule was suspended and bill taken up for the relief of the heirs of George Brinlee, passed to third reading ; rule suspended, read third time and passed.

On motion of Mr. Brown, the rule was suspended and bill for the relief of Mathias Ward, taken up, passed to third reading, rule further suspended ; read third time and passed.

On motion of Mr. Lewter, the rule was suspended and a bill for the relief of Wm. H. Ray, passed to third reading ; rule further suspended, read third time and passed.

On motion of Mr. Shannon, the rule was suspended and bill taken up, to incorporate the Tellico Manufacturing Company, ordered to be engrossed ; rule further suspended and read third time and passed by a two-third vote.

On motion of Mr. Wælder, a bill to incorporate the Fire Association of San Antonio, taken up ; Mr. Wælder moved to amend by inserting the names of L. Zorke and F. R. Frankel, after the name of A. H. Lockwood, in the first Section ; adopted. Also, the following amendment : Amend so as to exempt members of the company from serving on petty juries in all Courts in civil cases ; question recurring on the final passage of the bill was put, and the bill passed by a vote of 67 yeas.

On motion, House adjourned until half past nine o'clock, to-morrow morning.

AUSTIN, December 24th, 1857.

House met pursuant to adjournment—roll called, quorum present. Journal of yesterday read and adopted.

PETITIONS.

Mr. Carroll presented the petition of the County Court of Navarro county; referred to the committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Hardin, chairman of committee on Land Office, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on the Land Office, to whom was referred a bill to be entitled an act creating Land Districts and prescribing the duties of Surveyors, have very carefully examined all the provisions of the same, and can only express their surprise that a similar law has not long since been passed by the Legislature of the State; they believe that the bill will readily commend itself to the favorable consideration of the House, and to extend this report would be a useless waste of time. The committee unanimously request me to report the same back to the House, and recommend its passage. Report received.

Mr. Ross, one of the committee on Private Land Claims, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition and bill for the relief of the heirs of Abner C. Davis, have had the same under consideration, and find the following facts substantially proven: 1st, that the said Abner C. Davis was in the battle of San Jacinto, which entitled him to a donation of six hundred and forty acres; and, further, that he enlisted in Capt. Wood's company during the war, and that he was taken sick in service and died at Victoria, sometime during the summer of 1836, and for said service is entitled to a bounty warrant for twelve hundred and eighty acres of land.

Your committee, in view of the facts above stated, have instructed me to report the accompanying substitute, and recommend its passage. Report received.

Mr. Gaston, one of the committee on Private Land Claims, made the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Florinda Dixon, have examined the same, and find the facts of the case to be as follows :

The said Florinda Dixon settled in Mercer's Colony prior to the 25th day of October, 1848, and was the head of a family, and was therefore entitled, under the colonization laws to a certificate for 640 acres of land ; but owing to a mistake made by John M. Crockett, Commissioner for said Colony, in issuing said certificate, it was issued only for 320 acres. The committee are clearly of the opinion that it was a mistake, and that she is justly entitled to a certificate for six hundred and forty acres of land ; therefore they have instructed me to report the following bill, and recommend its passage. Report received.

Mr. Woods, acting chairman of the committee on Private Land Claims, made the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of George D. Shaw, have carefully examined the same. The committee find that the ancestor of petitioner, George D. Shaw, emigrated to Texas prior to 2d May, 1835 ; was a married man and head of a family. No evidence as to time of his death, though it is stated that he died ; no evidence as to whether his wife is living or dead, or that as his widow she has not received the land as the head of the family, that the husband was entitled to, if any.

The committee feel that it would be doing violence to the best interests of the State to recommend the granting of land, at this late day, upon evidence so loose and unsatisfactory. The petitioner prays for one league and labor of land. The committee recommend the rejection of the prayer, and ask to be discharged from further consideration of the subject. Report received.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills originating in the House :

A bill to be entitled an act making a contingent appropriation for the support of the State Penitentiary.

Also, the following bills originating in the Senate:

A bill to be entitled an act supplemental to an act to incorporate the Colorado College;

A bill to be entitled an act to authorize John J. Johnson to keep his mill in operation at a point on the Colorado River, opposite Block No. 185, in the city of Austin;

A bill to be entitled an act to amend the first section of a joint resolution for the relief of the company of Rangers commanded by Capt. Wm. Backnell, in the year 1836, approved 11th February, 1852;

A bill to be entitled an act to amend the fourth section of an act to organize courts, passed the 16th March, 1848.

Mr. Price, one of the committee on Claims and Accounts, submitted the following minority report on the bills for the relief of Ygnacio Perez and others:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The undersigned, members of the committee on Claims and Accounts, to whom were referred certain bills, originating in the Senate, for the relief of Ygnacio Perez and Francisco Ruez; as also the petition of Mrs. McCormick, asking relief, finding themselves unable to agree with the majority of the committee in their action upon the above-mentioned claims, and believing a principle involving far higher considerations than mere dollars and cents, stands intimately connected with a proper disposition of these claims, deem it but just and right to submit the following minority report:

It will be seen by reference to the majority report, that all of these claims are based upon advances made to the army in 1836 and 1837, of beef cattle, horses and mules; and that in the cases of Perez and Ruez the officer in command, Col. John M. Seguin, give the parties a written statement, or receipt, showing the amount and value of the property thus taken, and that it was applied to the public service.

These claims are verified and established beyond a doubt. The property of the *citizen* was, by *common consent*, taken and *appropriated* to the *public service*, and *receipted* for by Col. John M. Seguin, a duly commissioned officer in the Texan Army, and who was *then* prominently and efficiently in the service of Texas.

What, then, are the objections interposed to the payment of these claims?

First, that the claims should have been recommended or avouched by a Quartermaster, or some officer connected with the Commissary Department.

There might, perhaps, be some force in this objection, did not the fact stare us in the face, that an officer higher in command than a Quartermaster or Commissary, receipted for the property taken, and certifies that it was taken for the public service; as also the testimony of Luciano Navarro and Colonel Maverick to the same effect. The proof is even better than the law requires; but not being in the express terms of the law, the claims have for that reason *only*, been refused payment by those charged with the execution of the law. But will the great State of Texas stoop to a quibble so low—will she repudiate or plead the statute of limitations to a plain note of hand? We hope not.

The second objection urged to the payment of these claims rests upon the *assertion* that they are *spoliation* claims, and that it is not the policy of this State to pay that class of claims.

This position presents the very remarkable anomaly of a civilized and christianized government plundering and pillaging her own citizens, and assuming the attitude of a *spoliator* towards those whom she is bound to protect. May we not fondly hope that the proud young State of Texas will never be so unmindful of her honor and fair fame, or of her standing in the National Confederacy, as to assume a position so humiliating—so degrading.

But these claims rest not in spoliation, but in contract; and that, too, between parties fully authorized and competent to contract. John M. Seguin, as the duly authorized agent of the Government, then struggling for a National and independent existence, and as an officer of high grade in an army where all were brave and chivalrous, contracted with Ygnacio Perez and Francisco Ruez for beef cattle, horses and mules, for the use and subsistence of the army. To call this *spoliation* would be to utterly disregard the meaning of plain English,

The third objection urged to the payment of these claims rests upon the assumption that if they are paid, it will be the means of opening the floodgates for the admission of an innu-

merable host of similar claims, which would speedily bankrupt the State.

This is, in effect, to *admit* that the claims are just and valid outstanding debts; but for fear that the State might have other equally just debts to pay hereafter, we will make her *repudiate all*. A man, to reason and act thus, in regard to his individual indebtedness, would subject himself to the scorn and detestation of all honest men. How inconceivably greater would be the infamy attaching to a State that would thus act in regard to her own citizens. But if we were to admit that every acre of the public domain, and every dollar that will flow into the public coffers for the next century, would be absorbed in the payment of her honest debts, it would be but a poor argument in favor of repudiation.

The honor of the State is involved in this matter, and the undersigned are of opinion that to preserve unsullied her fair name and reputation, compensation should be made for these and similar claims; not perhaps to the extent of the full amount claimed, but what fairness, moderation and justice would dictate.

It should be borne prominently in mind that a sovereign State, amply clothed with the means of discharging all her just debts, would be wholly inexcusable in the estimation of the world, were she to resort to a system of special pleading, or invoke the aid of limitations to relieve her of well recognized responsibilities. Such a course of action might, perhaps, where little regard was had for moral rectitude, be excusable or tolerated in an *individual*—but in a *State* never.

All of which is respectfully submitted.

L. F. PRICE,

M. S. MUNSON,

H. RHODES,

Of the Committee.

Report received.

Mr. Fisher, chairman of the committee on the Penitentiary, made the following report:

Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on the Penitentiary, to whom was referred so much of the Governor's Message as relates to the Penitentiary, and the report of the Superintendent and Financial

Agent of the same, have examined and considered the subject of our Penitentiary system, its condition, wants, &c.

Your committee, from data gathered from the report above alluded to, and from a personal knowledge and inspection of the system, as regards the internal management and conduct of the same, are of the opinion that the Institution has attained to as great a degree of perfection as could be expected and hoped for in a new and sparsely settled State like ours, and in the short time, too, which it has been in operation.

The expenses of the Institution are annually diminishing, and your committee think it not improbable that, when the factory department is completed and the system is perfected in all of its parts, it will become a paying Institution, and a source of revenue to the State.

For the precise condition of the Institution, in all respects, your committee would refer the House to the report of the Directors, Superintendent and Financial Agent, which have been placed on our tables. These reports, being so full and satisfactory, render detail on the part of the committee unnecessary.

Your committee, in view of the successful working of the Penitentiary system, under its present management and policy, would here beg leave to repeat their opposition to the "leasing policy," as sought by some to be applied to this Institution—as an expedient, dangerous in its nature and tendencies, and subversive in a great degree of the objects and benefits of the system. Your committee feel that the success of the system, so far, has been in a considerable degree owing to the fidelity and good management of the Superintendent, Capt. J. Gillaspie, and his untiring and industrious Financial Agent, John S. Besser. Your committee report the accompanying bill and recommend its passage.

Report received, and bill read first time.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly engrossed—

A bill to incorporate the West Fork Mill Company ;

A bill authorizing the Governor to draw and distribute arms and accoutrements from the United States Government to which Texas is entitled ; and

A bill to create the county of Throckmorton.

Report accepted.

Mr. Kittrell, chairman of the committee on Education, made the following report on the institution of the Blind :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Committee on Education, to whom was referred so much of the Governor's message, and sundry resolutions of enquiry, as relates to the institution for the education of the blind, have considered the same, and have instructed me to say that as regards, first, the financial condition of the school, of the sum of ten thousand dollars appropriated by the last Legislature, the sum of four thousand eight hundred and ninety-nine 23-100 dollars has been expended in the establishment and support of the school, as appears from the report of the Trustees, and corroborating testimony of the vouchers filed in the Comptroller's Office.

Your committee are of opinion, that in the administration of the fund, a due regard has been had to economy and the interests of the State. The institution is pleasantly and eligibly situated, in the suburbs of Austin, some three-fourths of a mile from the Capitol. The buildings are comfortable and ample for the present accommodation of the pupils, and the family of Dr. Baker, the superintendent of the school. The number of the pupils is seven, who are comfortable and happy, and kindly cared for by the family of the superintendent. Dr. Baker exercises a parental care over them, and subjects them to a mild but firm system of discipline—an implicit obedience to which is exacted.

The literary department is under the management of Mr. Otis, who seems well qualified for the delicate and difficult task of teaching the blind. The above facts have become known to your committee from personal observation and inspection on the premises by some of them.

The music department of the school is taught by Miss Baker, an interesting and accomplished young lady, daughter of the superintendent, who seems to take a cheerful and affectionate interest in imparting instruction to her unfortunate pupils, in that ornamental branch of education, which is so highly prized by them. Thus the whole affair is conducted like a well regulated family.

Of the progress made by the pupils in the different branches of learning taught in the school, your honorable body had an opportunity of judging from the very interesting exhibition furnished us in this Hall sometime since. The deep and melancholy interest which the large and respectable audience then

convened, manifested in the exhibition of the pupils of the school, and the satisfaction expressed with their progress and performance, warrant your committee in expressing the opinion, that the institution has, so far, fulfilled the hopes and expectations of its founders and friends.

Besides the mental training, by which that unfortunuate class in our State have the light of science imparted to illumine their dark and benighted minds, they are taught different kinds of handicraft, by which they may earn a subsistence when they complete their education and are turned out in the world. The specimens of work made by their hands, which were exhibited, manifest an ingenuity and skill which prove them capable, in a great degree, of providing means for their own support, and thereby save them from the mortification, and the State from the expense of their becoming a public charge.

Under these circumstances, your committee take pleasure in saying, that so far from regarding the benevolence and liberality of the Legislature, which prompted and established this institution, solely as an act of charity, they regard it as an honorable incentive to industry and exertion, and as a means by which those in our State whose visions are denied the cheering light of day, yet their minds may be so trained and cultivated, and stored with the benefits of science and a knowledge of the mechanic arts, as to enable them to become useful and independent members of society.

Your committee therefore would cheerfully recommend a continuation of the policy, and the appropriation of the necessary means to place the institution on a sure and permanent basis. They therefore have instructed me to report the following bill, and recommend its passage.

P. W. KITTRELL, Chairman.

Mr. Bee, chairman of committee on State Affairs, reported, recommending the passage of a bill to incorporate Dallas Lodge, I. O. O. F.; report received.

Mr. Locke, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval—

A bill to amend the charter and for the relief of the Houston and Texas Central Railroad Company ;

A bill to create the county of Clay ; and

A bill to create the county of Montague.

Report accepted.

Mr. Kittrell, chairman of committee on Public Debt, reported as follows :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Debt, to whom was referred a bill for the relief of Ann R. Buckley, have examined the same, and instruct me to say, that Mrs. Buckley, while she was married to her former husband, Mr. Nibbs, resided at San Felipe, on the Brazos, and was a lady of fortune, and in common with many others who resided there, suffered much from the destruction of property, then caused by order of the commander-in-chief of the Texan army. But your committee have been furnished with no definite or satisfactory testimony by which they could determine the nature and extent of the loss sustained by Mrs. Buckley. As far as the evidence goes which has been presented, we are clearly of the opinion that the claim comes within the purview and meaning of that class denominated and known as "spoliation," which brings it under the operation of the rule uniformly enforced by this and some preceding legislatures, namely : the rejection of all such claims.

Your committee have therefore instructed me to report the bill back to the House and recommend its indefinite postponement. Report received.

Mr. Locke, chairman of the committee on Enrolled Bills, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Enrolled Bills have examined a bill for the relief of Eli H. Page, and find the same to be correctly enrolled, properly signed, and will be presented to the Governor this day for approval ; also, a bill for the relief of Abel Morgan, and find the same correctly enrolled, &c. Report accepted.

Mr. Brown, chairman of the committee on Slaves and Slavery, reported as follows :

[See Appendix.]

Mr. Price moved to print 10,000 copies of the report :

Mr. Wælder offered the following amendment to the motion of Mr. Price :

"Print 1500 copies in the German language, to be contract-

ed for by the committee on printing; also, 1000 copies in Spanish."

Mr. Chilton offered the following substitute to the amendment:

"Strike out 10,000 copies and insert 100 copies for the use of the House."

On motion of Mr. Runnels, the substitute and amendment were laid on the table by a vote of 43 yeas to 29 nays.

Mr. Bee moved to postpone the further consideration of the report until the 10th of January, and print 100 copies.

Mr. Runnels moved to strike out so much of the motion as related to printing 100 copies of the report.

Mr. Everett moved to lay the motion to strike out on the table; lost.

Mr. Harris of Titus moved to adjourn until Monday morning, 9½ o'clock, A. M.; lost by the following vote:

YEAS—Messrs. Bee, Craig, Crook, Doom, Edwards, Everett, Hardin, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Harris, Jennings, Kirk, Kittrell, Lacy, Lewter, Locke, Lloyd, McKinney of Travis, Merriman, Murrah, Rhodes, Ross, Smith of Fannin, Smith of Orange, Wælder and Ward—27.

NAYS—Messrs. Speaker, Baldwin, Barnard, Bishop, Brown, Burks, Burnett, Carrol, Chilton, Clow, Cooley, Evans of Austin, Evans of McLennan, Fisher, Gaston, Harris of Guadalupe, Harrison, Hart, Henderson of Cass, Hicks, Higgins, Holland, Johnson, Joseph, Kinney, Latham, Lee, Munson, Navarro, Norton, Price, Rainey, Reeves, Roberts, Runnels, Scott, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—42.

On motion of Mr. Locke, Mr. Mills was excused until Monday next.

On motion of Mr. Latham the reading of the report was dispensed with, and 100 copies of the same were ordered to be printed.

Mr. Norton offered the following Resolution:

Resolved, That the Sergeant-at-Arms be required to wrap up and place upon the desks of the members the papers and documents printed by order of the House, immediately upon their reception from the printing offices, and that the delivery of such papers and documents shall not interfere with the business of the session.

Mr. Everett moved to lay the resolution on the table; lost.

On motion of Mr. Latham, so much of a resolution adopted on yesterday, providing for the payment of William George, special Sergeant-at-Arms, and to deduct the amount so paid from the per diem of the Sergeant-at-Arms of the House of Representatives, was reconsidered.

On motion of Mr. Kittrell, the rule was suspended, and a bill originating in the Senate supplemental to an act to incorporate Colorado College was taken up, read first and second times and passed to a third reading; rule suspended, read third time and passed.

Mr. Burnett offered the following resolution :

Resolved, That the Sergeant-at-Arms, having moved the carpeting from the floor of the Hall of the House, be, and he hereby is required, to replace the same on the floor on to-morrow, (Friday,) and to have the Hall in complete order for the transaction of business, and that the managers of the Inauguration Ball superintend and pay for the same, agreeably to their pledges made to the members of the House while in session on Monday last.

Mr. Wælder offered the following substitute for the resolution :

Resolved, That the Sergeant-at-Arms be instructed to cause the carpet of this Hall to be sewed together and put down between this time and the next meeting of the House.

On motion of Mr. Edwards, the resolution and substitute were laid on the table by a vote of 41 yeas to 21 nays.

Mr. Henderson of Harris moved to adjourn until Monday morning, 9½ o'clock, lost by a vote of 29 yeas to 41 nays.

Mr. Jennings moved to adjourn until 9½ o'clock, A. M., Monday next; lost by the following vote :

YEAS—Messrs. Burks, Burnett, Edwards, Evans of McLennan, Everett, Gaston, Kittrell, Lacy, Latham, Lee, Merriam, Munson, Norton, Rainey, Ross, Runnels, Scott, Shelton, Ward and Wood—20.

NAYS—Messrs. Speaker, Baldwin, Barnard, Bee, Bishop, Brown, Carroll, Chilton, Clow, Cooley, Craig, Crook, Doom, Evans of Austin, Fisher, Hall, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Holland, Jennings, Johnson, Joseph, Kinney, Kirk, Lewter, Locke, Lloyd, McKenney of Hopkins, McKinney of Travis, Murrah, Navarro, Poag, Powell, Price, Reeves, Rhoades, Shannon, Smith of Fannin, Smith of Orange, Wælder and Waterhouse—48.

Mr. Wood moved to adjourn until 9½ o'clock, A. M., to-morrow.

On motion, a call of the House was ordered.

On motion, the Sergeant-at-Arms was dispatched after absentees.

On motion of Mr. Roberts, Mr. Rogers was excused from attendance on the House on account of sickness.

Mr. Runnels moved to suspend the call; lost.

On motion of Mr. McKinney of Travis, the call was suspended.

The question then recurring on Mr. Wood's motion to adjourn until to-morrow, 9½ o'clock, A. M., the same was put, and the House refused to adjourn by a vote of 20 yeas to 49 nays.

[Mr. KITTRELL in the Chair.]

Mr. Rainey offered the following resolution:

Resolved, That this House hold evening sessions from this day forward to the adjournment of the Legislature, *sine die*.

Mr. Bee moved that the House go into committee of the whole on Mr. Rainey's resolution, and that Mr. Clow be called to the Chair; carried.

After some time spent in discussing the resolution, the committee rose—reported no progress; report received.

Mr. Evans of McLennan moved to take a recess until Monday next, 9½ o'clock, A. M.; lost.

On motion a call of the House was ordered.

Mr. Lee moved to adjourn until 9½ o'clock, A. M., on Monday next.

The Speaker decided the motion to adjourn until Monday out of order, on the ground that it violated a standing rule of the House requiring all resolutions changing the order of business to lay one day on the table.

Mr. Lee appealed from the decision of the chair.

The question being put, the chair was sustained in his decision.

Mr. Rainey moved to suspend the call.

On motion of Mr. Price, the House adjourned until to-morrow morning 9½ o'clock, A. M.

Pending, Mr. Rainey's motion to suspend the call.

AUSTIN, Christmas Day, Dec. 25, 1857.

House met pursuant to adjournment—roll called—no quorum present.

Absentees—Messrs. Bee, Chilton, Edwards, Everett, Hall, Haynes of Starr, Hicks, Kinney, Kittrell, McKenney of Hopkins, McKinney of Travis, Munson, Murrah, Tait, Ward and Witt.

On motion, a call of the House was ordered, and the Assistant Sergeant-at-Arms sent for absent members.

Wm. A. George appointed to assist the Sergeant-at-Arms.

Mr. Crook moved a suspension of the call; lost.

On motion, the House adjourned under the rule—pending, a call of the House.

AUSTIN, December 26th, 1857.

House met pursuant to adjournment, and was called to order by the Chief Clerk—the Speaker being unable, on account of indisposition, to take the Chair.

Roll called—quorum present.

The Clerk, acting as Speaker, announced that under the 4th Rule of the House he was authorized to order an election of a Speaker, pro tem., and that nominations were in order—whereupon,

Mr. Jennings nominated Mr. Locke.

Mr. Navarro nominated Mr. Jennings.

Mr. Wood put in nomination the name of Mr. Poag.

Mr. Barnard nominated Mr. Chilton.

Mr. Lee nominated Mr. Henderson of Harris.

Mr. Norton nominated Mr. Clow.

Messrs. Kittrell, Ross and Lewter were appointed tellers, and the House proceeded to ballot.

Messrs. Jennings, Poag, and Henderson of Harris, withdrew their names.

On telling the vote, it appeared that Mr. Clow had received 13 votes, Mr. Chilton 9, Mr. Locke 34, and Mr. Brown 2 votes.

There being no quorum, on motion of Mr. Lee, the House adjourned until 9½ o'clock, Monday morning—pending, election of Speaker, pro tem.

AUSTIN, December 28th, 1857.

House met pursuant to adjournment, and called to order by the Chief Clerk.

Roll called—quorum present.

Question pending when the House adjourned on Saturday, viz : election of Speaker, pro tem., resumed.

Nominations being in order—

Mr. Wood put in nomination the name of M. F. Locke.

Mr. Clow put in nomination the name of J. W. Henderson.

Mr. Barnard withdrew the name of G. W. Chilton.

Messrs. Kittrell, Lewter and Ross were appointed tellers, and the House proceeded to ballot.

On telling the vote, it appeared that Mr. Locke had received 37 votes, and Mr. Henderson 24 votes, Mr. Bee 1 vote and blank 1 vote.

Mr. Locke having received a majority of all the votes cast, was declared duly elected Speaker, pro tem., of the House of Representatives.

Messrs. Jennings and Bee were appointed a committee to wait on the Speaker, pro tem., elect, and conduct him to the Chair.

Mr. Jenning introduced to the House Hon. M. F. Locke, Speaker pro tem. elect.

Mr. Locke addressed the House as follows :

[See Appendix.]

Journals of 24th, 25th and 26th read and adopted respectively.

PETITIONS.

Mr. Latham presented the petition of Lieut. J. W. Pyron ; referred to committee on Public Debt.

Mr. Brown presented the petition of Spencer Goss and others ; referred to committee on State Affairs.

Mr. Everett presented the memorial of John C. Watrous ; referred to Judiciary committee.

REPORT OF STANDING COMMITTEES.

Mr. Price, one of the Judiciary committee, reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives,

The Judiciary committee, to whom was referred certain joint resolutions, requesting our Representatives in the Con-

gress of the United States, to take such steps as may be necessary to cause a full investigation to be made by the House of Representatives of the United States, during its present session, of all the charges that have been made against John C. Watrous, Judge United States District Court, Eastern District Texas, against whom articles of impeachment were preferred by a committee from said House of Representatives, on the 2d day of February, A. D. 1857, have had the same under consideration, and after due examination they have resolved to report said resolutions back to this House, and recommend their adoption.

The Judiciary committee of the 34th Congress, to whom was referred the petition of Jacob Messina and Eliphaz Spencer, for the impeachment of John C. Watrous, have stated in their report, now before us, that after having "examined numerous records, consisting of pleadings, orders of court, affidavits and depositions, and after a patient and laborious research, they have reluctantly come to the conclusion that the conduct of John C. Watrous, in the cases above referred to, cannot be explained without supposing that he was actuated by other than upright and just motives ; that in his disregard of the well established rules of law and evidence, he has put in jeopardy and sacrificed the rights of litigants, and in acquiring a title to property in the litigation, or held by adverse possession, he has given just cause of alarm to the citizens of Texas for the safety of private rights and property, and of their public domain, and has debarred them from the rights of an impartial trial in the Federal Courts of their own District. In view of the above recited facts, and the conclusion of the committee, they report the evidence and the following resolution :

"Resolved, That John C. Watrous, United States District Judge, for the District of Texas, be impeached of high crimes and misdemeanors."

In addition to this report, and the evidence in support of it, your committee have had before them a certified copy of Judge Watrous' commission, which bears date on the 29th of May, 1846, and a copy of the printed transcript, duly certified, of the case of Herman vs. Phalin, in the Supreme Court of the United States.

From this transcript, it appears that a promissory note was made, July 5th, 1846, (after the issuance of the commission,) upon which suit was commenced in the District Court of the

United States at Galveston, January 23d, 1847. Judge Watrous, by an official order by him signed, in which he recites that "he was employed as counsel in a number of cases, of which the present case is one, &c., &c., transferred the suits to New Orleans. As the cause of action (the note) did not come into existence until after Judge Watrous went upon the bench, any subsequent connexion that he had with it was eminently calculated to call to the mind of your committee an act of the Congress of the United States, entitled an act concerning the District and Territorial Judges of the United States, approved December 12th, 1812, which makes it a *high misdemeanor* in United States Judges to practice law.—[2d U. S. Statutes at Large, page 788. "If on the other hand, the recital be false; if he in truth and in fact was not employed as counsel in the suit alluded to, although by his solemn official act he recites that he was, the question recurs with telling effect, is his position any better?" This natural enquiry has caused your committee to look further into the matter involved in this suit.

The real object of the suit appears to have been to obtain a decision in *effect*, though not in *terms*, validating in fraudulent land certificates, purporting to have been issued to one McRea, which is alledged to have been assigned to David B. Herman, as the consideration of the note sued on. [See printed transcript, page 5.] From 2d Texas Reports, page 497, it appears that a suit was pending, (though not commenced,) at the same time, in our State Courts, to validate the same certificate, in which it was alledged to be the property of one Thomas M. League.

Although your committee are wholly unable to perceive how this fraudulent certificate could be the absolute property of two different individuals, at one and the same time, they have thought proper to consider in what light to attempt to procure its validation is to be viewed. More than twenty-four thousand acres of fraudulent certificates appears to have been issued. [Journal of the Convention, page 170.] By the law, to purchase or sell a fraudulent certificate was a crime. [Hart. Digest, Article 451.] In *morals*, the basing of any official act on a falsehood to aid or sustain fraud, perjury—and perjury is doubly wrong.

Hence, if the recital of Judge Watrous, in the order above alluded to, be untrue in point of fact; and if, instead of having been employed as counsel in a suit in his own court on a

note, he only acted as counsel retained previously to his going upon the bench, to establish the validity of a fraudulent land certificate, your committee regard his position in making such a recital as the one referred to in this case, as involving far greater considerations in a moral point of view than the mere practicing law—contrary to the inhibition of the statute of 1812, above cited.

However unwillingly, your committee can but remember that it appears from our own statute Books, that the Legislature of the State of Texas has, at different times, passed with great severity upon the conduct of Judge Watrous. First, by attempting the passage of a law to compel him to reside and remain permanently in his District ; next, formally requesting him to resign his office ; and, finally, by making an appropriation to defeat the attempted validation of fraudulent land certificates in the Supreme Court of the United States.—[Acts of 1848, pages 19, 20, 147, 150, and 215.

But apart from the above considerations, your committee are of the opinion, that when the official conduct of a Judge is called in question, in the manner indicated by the Constitution—whether he be innocent or guilty—a full and fair investigation should be speedily had, so that, if innocent, he might be able to stand forth fully vindicated and restored to the confidence of the public ; and if guilty, should be impeached and removed from office.

It is alike due to Judge Watrous and to the State of Texas that this investigation should, at an early day, be prosecuted before Congress. The former impeachment should not be suffered to lapse for the want of attention, as it in all probability would do if our representation in Congress are not specially entrusted with its supervision and control by the Legislature of this State.

From these and kindred considerations, involving interests of the greatest magnitude, both to the accused and to the State, your committee earnestly recommend the adoption of the accompanying resolutions.

All of which is respectfully submitted.

L. F. PRICE,
One of the Committee.

On motion of Mr. Brown, the rule was suspended, and the report was taken up and re-referred to the committee on the Judiciary.

Mr. Murrah, Chairman of Committee on Federal Relations, reported as follows :

COMMITTEE ROOM, }
December 28th, 1857. }

To Hon. W. S. TAYLOR,

Speaker of the House of Representatives:

The Committee on Federal Relations, to whom was referred a preamble and Joint Resolutions requesting our Senators and Representatives in Congress, to use their efforts to cause the Federal Government to collect up and take charge of the Pecos Indians, roaming wild between the Rio Grande and Pecos rivers, have considered the same, and recommend their passage.

The committee find that it has been the policy of the Texas Government, like that of the Federal Government, to keep separate the Indians and white man, and in conformity with this policy, separate lands have been provided for them ; this policy is founded upon stern necessity. Humanity demands that the untutored savage shall be protected and cared for, but it would be unwise to extend this provision for the weak and ignorant, so far as to retard the onward march of civilized society—the life of the savage and that of the civilized man are controlled by laws at war with each other. They cannot harmonize—the forest, the hunting ground of the savage, must be felled before the corn or cotton field can be opened. The yell of the savage and the cheerful song of the laborer and husbandman, cannot mingle. The wild beast, the sport as well as the stay and support of the savage hunter, must be destroyed before the more useful domestic animals can feed in his place and obey the will of man. The history of savage existence the world over, verifies what is here stated. But to contend that because the Indian and his forefathers, originally owned this continent, that its broad expanse was his home, his wild hunting ground, his habits cannot be interfered with, the limits of his wild home cannot be diminished, is to contend for the absurd proposition that the progress of intelligence, the spread of religion and civilization shall be arrested at the bidding of savage existence. To argue thus, is to argue against the providences of God—as illustrated in human advancement. These remarks though they may seem to be abstract, are deemed not out of place, because of that sympathy to its full extent, would require at our hands to surrender back to the savage and half savage, the land once the proud home of his untutored ances-

try, but now the foundation of civilization more grand and varied, of a religion more pure than antiquity could boast of. If these remarks are consonant with reason and the laws of humanity, then the duty of the white man, when he comes in contact with the red man, and when the fortunes of war have made conquest of his hunting grounds, is too plain to be mistaken. He must so regulate and guard his relations with his inferior as to protect himself and property against his fierce and lawless disposition, and with as little injury to the savage or Indian as is consistent with this end. By this rule we must determine our relations and conduct towards the Pecos Indians. They are on Texas soil ; they are wild and savage ; they infest the highways in bands ; they murder the whites and rob them of their property—our own citizens call for protection. The law has already provided a home for them between the Pecos and Rio Grande rivers. Let this home be selected and its boundaries marked ; let the Federal Government collect up and place them on this land furnished by Texas, and furnish for them agents to watch and guide them. This is humanity to them, for it affords protection for them against the white man who has been outraged by his ravages, and at the same time it affords to our citizens that protection to their lives and property which is but their due from the Government ; report received.

Mr. Ward, one of the committee on Internal Improvements, made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Internal Improvements to whom was referred the bill to be entitled an act to incorporate the Eastern Texas Railroad Company, have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage ; report received.

Mr. Barnard, one of the committee on Public Lands, made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands to whom was referred a bill to be entitled “ an act to re-open Austin, DeWitt, DeLeon and other colonies,” have had the the same under consideration

and instruct me to report, that it appears by reference to the constitution of the Republic of Texas in Section 10 of the General Provisions, the following clause is found, viz :

“All surveys and locations of land made since the act of the consultation closing the Land Office, and all titles to land made since that time are and shall be null and void.” It further appears that on the 5th day of February, 1850, an act to prevent locations in the colonies of Austin, DeWitt and DeLeon was passed, which provided, that no certificate of land, land warrant, or evidence of land claim of any kind whatever, shall hereafter be located upon any land heretofore titled or surveyed within the limits of the colonies of Austin, DeWitt, DeLeon, &c. So far as this statute would have the effect or tendency to legalize surveys made in those colonies *after* the closing of the Land Office by the consultation on the 13th November, 1835, and which the consultation unequivocally declared to be null and void, might perhaps be somewhat doubtful, but as these owners have had from the passage of that act until the present time to perfect those claims, a period of about 8 years, and those who have not availed themselves of that time to secure their titles cannot reasonably claim a longer indulgence, but should be put upon an equal footing with those claiming by surveys, under other authority, who if they do not perfect their surveys within a limited time by complying with the provisions of the laws, expose them to be located upon again.

The bill now referred to does not disturb any just or legal claims in those colonies, but may prevent the lands there from being tied up with illegal or fraudulent titles. The committee have therefore instructed me to report the same back to the House and recommend its passage ; report received.

Mr. Barnard, also made the following report :

HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The committee on Public Lands to whom was referred the petition of Rebecca Washington, have examined the same and find the allegations in said petition are not satisfactorily substantiated, they have therefore instructed me to report the same back to the House, and ask to be discharged from its further consideration ;

Mr. Barnard, also reported as follows :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The committee on Public Lands to whom was referred a bill to be entitled an act to force the return of land certificates and field notes to the General Land Office, have examined the same and find that a bill has already been submitted to their consideration, containing in substance the same provisions to which they are recommended to the favorable consideration of the House ; they have therefore instructed me to report back this bill and ask to be discharged from its further consideration ; report received.

A message was received from the Senate, announcing to the House the passage of the following bills originating in the Senate :

A bill to be entitled an act to incorporate the Indianola Railroad-Company, and

A bill to be entitled an act to incorporate the Western Texas, Rifle, and Marine Insurance Company of the city of San Antonio.

Mr. Murrah, Chairman of the committee on Federal Relations, made the following report :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The Committee on Federal Relations have considered and recommend the passage of a Joint Resolution recognizing P. W. Humphreys, as entitled to the rank of Commander in the Texas Navy, the date of annexation to the United States ; they find that the Navy Department of the Republic settled accounts with Mr. Humphreys running from the 3d of July, 1839, to the 4th of February, 1840, as Commander and at the rate of \$2100 dollars per annum. On the 16th Oct., 1839, a leave of absence, duly signed by Lewis P. Cooke, Secretary of the Navy, was granted to Commander Humphreys, for three months.

There is no evidence that Commander Humphreys had any active connection with the Navy after the leave of absence above referred to, terminated on the 4th of February, 1840. But on the other hand, there is no evidence that his commission was ever taken from him, and from the information furnished it is believed that it never was. If his commission was never taken from him, it is a legitimate conclusion that he remained an officer in the Navy, subject to orders, though never ordered

into active service after the period above mentioned. It would seem that if the intention of the Navy Department had been that he should no longer be commander, he would have been deprived of his commission, particularly as the personal of the Navy was diminished in 1843, and the Navy itself laid up in ordinary.

Commander Humphreys claims nothing of Texas, he admits that the Republic of Texas fully paid him for the service rendered her as a Commander in her Navy, and he desires the accompanying resolutions to pass, that he, like other officers of the Navy at the date of annexation, may obtain five years waiting orders pay, provided for by an act of Congress of the United States, approved 3d. of March, 1857. He is of the opinion that such actions as this on the part of the Legislature, will place his claims in a stronger light before the Secretary of the Navy of the United States, and he is encouraged in this belief by the effect which resolutions of this nature have had upon similar applications heretofore.

In conclusion, it may be stated that the commission of Commander Humphreys was not shown to the committee, for the reason that it was consumed in the burning of the Adjutant General's Office as stated by Mr. Humphreys; report received.

Mr. Bee moved that the House stand adjourned until 9½ o'clock, A. M., to-morrow; whereupon, the yeas and nays were demanded, and stood thus:

YEAS—Messrs. Baldwin, Bee, Brown, Burks, Chilton, Cooley, Crook, Dalrymple, Doom, Edwards, Evans of Austin, Everett, Hall, Harris of Guadalupe, Harrison, Haynes of Starr, Henderson of Harris, Jennings, Joseph, Kinney, Kirk, Kirtrell, Latham, Lee, Lewter, McKenney of Hopkins, McKinney of Travis, Munson, Murrah, Navarro, Powell, Price, Rainey, Reeves, Rhodes, Ross, Smith of Fannin, Smith of Orange, Wælder, Witt and Wood—41.

NAYS—Messrs. Barnard, Bishop, Burnett, Clow, Craig, Evans of McLennan, Fisher, Gaston, Hardin, Harris of Titus, Hart, Haynes of Washington, Henderson of Cass, Holland, Lacey, Lloyd, Merriman, Norton, Poag, Runnels, Scott, Shannon, Walling, Ward and Waterhouse—26.

So the House adjourned under the rule.

AUSTIN, DECEMBER 29, 1857.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Wood, one of the Judiciary committee reported as follows :

The Judiciary committee to whom was referred a bill to legitimate Newton Cain, a minor and son of Martha Cain, dec'd., have had the same under consideration and report it back to the House unfavorably, and ask to be discharged from its consideration.

The bill asks that the said minor be declared the heir of Josiah Herod, and that John W. McGill be required to turn over the property of said minor, that he now holds as his guardian, to said Herod ; provided said Herod shall give bond for the same, approved by the Chief Justice of Houston county. There is no necessity of legislation to enable Herod to adopt said minor as his heir ; the present existing laws amply provide this. As to a transfer of said minor's property from McGill to Herod, the committee presume that in all probability, it will be as safe in the hands of the former as the latter.

The committee also report unfavorably a bill to amend an act to regulate the license and practice of Attorneys at Law, approved May 12, 1846, The bill authorized District Clerks to practice law out of their respective counties. The people when they elect a District Clerk, expect that he will devote his time and attention to the discharge of the duties of his office. If such attention to his official duties does not sufficiently remunerate him, or if he imagines that he can make more by the practice of Law and the expounding of Coke upon Littleton, why in the name of Heaven, let him resign his Clerkship and fly to the arms of the more remunerative law ; report received.

Mr. Joseph, one of the Judiciary committee, reported recommending the passage of a bill to allow C. H. Nimmon, to adopt two illegitimate children ; report received.

Mr. Kittrell presented the memorial of Prof. A. E. Thorn ; referred to committee on Education.

Mr. Reeves presented the petition of A. T. McKorkle ; referred to committee on Private Land Claims.

Mr. Hart one of the Committee on Finance, reported as follows :

The committee to whom was referred a resolution inquiring into the propriety of allowing the County Treasurers in this State pay for receiving and disbursing the Common School Fund, have had the same under consideration and instruct me to report as follows :

That this is a fund donated by the State for educational purposes, and when distributed among the counties of the State, is small in amount, and (if) we were to allow pay out of the same to all persons and officers who have to manage and control the same, that a great portion of it would be diverted from its intended and beneficial purposes. We must look upon this as a charity fund and as it is a general principle to manage and distribute funds for benevolent purposes without charge for services, we think this is entitled to the same consideration.

And further—when we take into consideration that all offices are taken and held by the incumbent with a full knowledge that there are onerous and responsible duties to perform without any corresponding remuneration for the same; we have therefore come to the conclusion that it would be best to report unfavorably upon this resolution, and that we be discharged from its further consideration; report received.

Mr. Craig one of the committee on Roads, Bridges and Ferries, reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Roads, Bridges and Ferries to whom was referred the petition of certain citizens of Titus county, asking that J. W. Dobbs be permitted and authorized to bridge "White Oak," a stream in said county, and causeway the bottom of said stream near the residence of said Dobbs on the old road leading from Mt. Pleasant to Clarksville, Paris and Bonham, and to charge and receive toll for the term of twelve years for the passage of such bridge, have considered the same and recommend its rejection; report received.

Mr. Hart, one of the committee on Finance made the following report :

TO HON. M. F. LOCKE,

Speaker of the House of Representatives :

Your committee to whom was referred a bill allowing the

Mayor and Aldermen of any incorporated city or town in this State, to collect a license tax, not exceeding five hundred dollars, for the keeping of any Billiard Table or Ten Pin Alley, within the corporate limits of said City or town, have had the same under consideration and have instructed me to report unfavorably on the same for the following reason :

That by a bill reported by this committee heretofore to this house, and which has not been disposed of, these tables and alleys are taxed from \$25 to \$50, and that the County Court has the privilege to collect the same amount as county tax, which your committee consider as much as these tables and alleys could reasonably pay, and that by the laws now in force, and by the charters of the several cities and towns now granted, said amusements are largely taxed in addition to the State and county tax now imposed. If our object is to raise a revenue by these occupations, we are of the opinion that it is now as large as it will bear, and if our object is to prohibit such amusements, we are of the opinion, it should be done in a correct way, by a law prohibiting the same, with fines and penalties attached sufficiently to prevent their use, but as your committee are of the opinion that there is nothing immoral in playing on either of these games for amusement, any more than the playing at a game of marbles or shooting at a mark for sport.

That the whole object is to raise a revenue, and acting upon the adage "that he who dances must pay the fiddler," we think that these games should be taxed in a reasonable manner for the purpose of defraying the expenses of the Government of the citiescounties and States; and as this is already done to the fullest extent, we recommend that the bill be indefinitely postponed, and the committee be discharged from the further consideration of the same ; report received.

Mr. Lewter, Chairman of the Committee on Roads, Bridges and Ferries made the following report :

The Committee on Roads, Bridges and Ferries, have had under consideration, the petition of sundry citizens of Nacogdoches and Cherokee counties, praying for a charter to erect a toll bridge across the Angelina river, at what is known as the Buck Shot crossing on said river, your committee believing said bridge would be of general benefit, have instructed me to report the accompanying bill and recommend its passage ; report received.

Mr. Lewter also made the following report :

The committee on Roads, Bridges and Ferries, to whom was referred the petition of Solomon Wolfe and others, asking for the privilege of an increase of toll charges for the "Angelina Bridges and Turnpike Company," and also the prohibition of any other company from establishing a bridge or turnpike across said river, within five miles on a straight line from the bridges and turnpike of the said Solomon Wolfe, have had the same under careful consideration. They have instructed me to report the petition back to the House, and for reasons satisfactory to the committee, report unfavorably, and ask to be discharged from its further consideration ; report received.

Mr. McKinney of Travis introduced a joint resolution instructing our Representatives in Congress to use their influence to procure the erection of suitable buildings for Post Offices, and United States Court Rooms, at the City of Austin and at Tyler, in the Western District of Texas ; read first and second times and referred to committee on Federal Relations.

BILLS AND RESOLUTIONS.

Mr. Edwards introduced a bill supplemental to an act to amend the charter, and for the relief of the Houston and Texas Central Railroad Company ; read first and second times and referred to committee on Judiciary.

Mr. Powell introduced a bill to secure certain lands from location ; read first and second times and referred to committee on Public Lands.

Mr. Dalrymple introduced a Bill to change the boundary line of Brown county ; read first and second times and referred to committee on Counties and County Boundaries.

Mr. Evans of McLennan introduced a bill authorizing the Clerk of McLennan County, to transcribe certain records in his office ; read first and second times and referred to committee on Counties and County Boundaries.

Mr. Barnard introduced a bill to provide books, stationary and furniture for the offices of District and County Clerks, and District Surveyors ; read first and second times and referred to Committee on Finance.

Also a bill to amend the charter of the San Antonio river navigation company, passed August 29, 1856 ; read first and second times and referred to Committee on Internal Improvements.

Mr. Brown introduced a bill for the relief of Spencer Goss

and others ; read first and second times and referred to Committee on State Affairs.

Mr. Haynes of Starr, offered the following resolution :

Resolved, That the Committee on Printing be requested to enquire into the cause of the delay in the delivery of the Spanish translation of the Governor's message and other documents in that language, ordered by the House ; adopted.

Mr. Hicks introduced a bill to authorize the consolidation of Railroad Companies and to prescribe the mode thereof ; read first and second times and referred to committee on Internal Improvement.

Mr. Clow introduced a bill supplemental to an act to create the office of Weigher of Cotton for certain ports in this State ; read first and second times and referred to Committee on State Affairs.

Mr. Kittrell offered the following resolution :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of investing County Justices and Clerks with notorial powers, and of requiring them to keep a notorial seal ; adopted.

Mr. Evans of McLennan offered the following resolution :

Resolved, That this body will not at its present session, consider any claims for money or lands against the State, the validity of which has been passed upon by a preceding session or sessions of the Legislature of the State, and an adverse conclusion arrived at ; laid on the table one day for consideration.

Mr. McKinney of Travis introduced a bill to authorize and require the approval and patenting 2d class headright certificates ; read first and second times and referred to committee on Public Lands.

Mr. Chilton, (by leave) Chairman of Committee on Finance reported as follows :

The Committee on Finance to whom was referred the petitions of Marshall & Oldham, Swenson & Swisher, J. A. Quintero, and J. Pat Henry, together with stated accounts, respectively approved by the Commissioner of Claims, have had the same under consideration, and being convinced that the said accounts are just and due, most respectfully submit the accompanying bill and recommend its passage ; report received and bill read first time.

Mr. Gaston one of the Committee on Roads, Bridges and Ferries, made the following report :

HON. M. F. LOCKE,

Speaker pro tem, of the House of Representatives :

The committee on Roads, Bridges and Ferries being instructed by a report from the Judiciary committee, which was adopted by the House, to revise and draft anew, the general road law have instructed me to make the following report :

The committee have endeavored to discharge the duty assigned them. They have carefully examined the present road law which was approved February the 4th, 1854, and in drafting it anew, have incorporated in it, such amendments as experience and observation prove to them to be necessary and expedient to make it more efficient and beneficial to the country generally. There is nothing better calculated to recommend to the traveling public, the industry, enterprise and public spirit of the citizens of our country, than the proper improvement of our public roads. Since the adoption of the present road law, considerable improvement has been made upon our public roads in many portions of the State. And as it has been decided by the courts of the country, that the Penal Code, adopted by the last Legislature, unintentionally repealed the fines and penalties annexed to the present road law, the committee deem it of the utmost importance that immediate action should be had upon the subject by the present Legislature, in order to restore to the country a law that if properly carried out and executed, will, it is believed, insure good roads to every portion of our State, and the fact that the County Courts will meet on the third Monday in February next, for the purpose of appointing overseers and apportioning hands to the different roads in their counties, makes it more imperative that speedy action should be had upon this subject. In view of all these facts the committee have instructed me to report the accompanying bill and recommend its passage.

R. K. GASTON.

One of the Committee.

N. B. The principal amendments will be found by reference to sections 11 and 12, sections 30, 31, 32, 33 and 34, are added to the original law.

R. K. GASTON.

Report received and bill read first time, and on motion of Mr. Henderson of Harris, taken up and made the special order for 11 o'clock.

On motion of Mr. Henderson of Harris, the House proceeded

to the business on the Speaker's table and the orders of the day, when the special order was taken up, viz :

A bill authorizing and requiring the county courts to regulate roads, appoint overseers, &c.

Read second time.

Mr. Price moved to postpone the consideration of the bill until December 31st, 11 o'clock, A. M., and print 100 copies of the same ; lost.

Mr. Harrison offered the following amendment to the bill : Amend by proviso in last line of 15th section :

" Provided, however, that the overseer shall return all delinquents to the nearest Justice of the Peace in the county, within three days from said road-working ; and that said Justice of the Peace shall not issue any warrant for the delinquent, or delinquents, until the expiration of ten days of said return ; but if the delinquent does not appear, or some person in his stead, and make his excuse to said Justice of the Peace, under oath, within said ten days from said return, judgment shall remain final against him so far as relates to the cost."

Mr. Poag offered the following amendment to the amendment :

" Provided, further, that the defendant, in all cases, shall have the right of a change of venue."

On motion of Mr. Jennings, the amendment and the amendment to the amendment were laid on the table.

Mr. Wood moved to amend by striking out the word " 18," wherever it is applicable to white persons, and insert instead thereof " 21 ;" lost.

Mr. Poag moved to strike out the 18th section of the bill ; lost.

Mr. Rainey offered the following amendment to the 18th section :

" Provided, that said overseer shall not exchange the labor of any hand or hands except those belonging to the owner of said oxen and teams."

Mr. Rainey also offered the following as a substitute to the amendment and the 18th section :

" That the overseer is authorized to receive and use any such tools, or implements, wagons, or teams, as may be necessary in working said road, in lieu of the labor of hands."

On motion of Mr. Henderson of Harris, the substitute and

amendments were laid on the table by a vote of 44 yeas to 21 nays.

Mr. McKinney of Travis moved to amend the 15th section by adding:

“Provided; that in all cases the officers shall recover their cost from said delinquents, even though the judgment is in their favor.”

On motion of Mr. Reeves, the amendment was laid on the table.

The bill was then ordered to be engrossed; rule suspended and read third time, when Mr. Murrah offered the following amendment:

Amend by inserting, “upon the application of 25 instead of 8 freeholders.”

Amendment rejected, and bill passed.

Mr. Brown, by leave, introduced the following bill: A bill to provide for transcribing county records; read first and second times and referred to the committee on the Judiciary.

Mr. Reeves, by leave, introduced a bill for the relief of George H. Newcomb; read first and second times and referred to committee on Finance.

Mr. Reeves, by leave, introduced a bill to be entitled an act to create the county of Bourland; read first and second times and referred to the committee on Counties and County Boundaries.

Mr. Hicks, by leave, introduced the following: An act to amend the 29th section of an act, approved February 6th, 1854, entitled an act to incorporate the Sabine and Rio Grande Railroad Company; read first and second times and referred to committee on Internal Improvements.

Mr. Chilton, by leave, as chairman of the committee on Finance, made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on Finance, to whom was referred a bill to authorize the County Court of Webb county to levy a special tax, have had the same under consideration, and instruct me to report back to the House the said bill, and respectfully recommend its passage. Report received.

Mr. Bishop, by leave, introduced the following bill: A bill to be entitled an act to detect illegally issued land certificates, issued by the county courts of Peters' Colony, and to prevent

the location and patenting of the same ; read first and second times and referred to the committee on the Judiciary.

Mr. Runnels, by leave, introduced the following resolution :
Resolved, That the Clerk of the House be instructed to *note* the absentees upon the Journals every morning upon calling the roll.

Laid on the table one day for consideration.

Mr. Henderson of Harris, introduced the following resolution :

Resolved, That the rule which requires the House to adjourn each day to 9½ o'clock, be repealed, and that the old rule stand.

Laid over one day for consideration.

Mr. Bee, by leave, introduced the following bill: A bill to regulate and limit action on judgments rendered out of this State ; read first and second times and referred to committee on Judiciary.

By leave, Mr. Wood, one of the committee on the Judiciary, made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The Judiciary committee, to whom was referred the joint resolutions relative to the impeachment of Judge Watrous, by the Federal House of Representatives, together with the former report of the committee on the same, and the memorial of Judge Watrous, have again considered the matter, and beg leave to report that they see no cause for a change in the sentiments expressed in their former report.

As to the memorial of Judge Watrous, which was not before the committee when the former report was made, they have carefully considered the same. The memorial asks that the testimony and the charges upon which the resolutions of the Legislature and Senate were founded, may be embodied, and that the Legislature appoint some one to prosecute these charges on behalf of the State before the Federal committee of the House of Representatives. The committee consider that the present Legislature is not responsible for any charges that may heretofore have been preferred against Judge Watrous, and the testimony upon which such charges, if any, were preferred, is not within the control of the committee or the present Legislature. It would certainly be most strange and improper for the present Legislature to appoint an agent or

attorney to prosecute Judge Watrous before a committee of Congress. If the Legislature had made any charges against the Judge, then the appointment of such a prosecutor could be made with some show of justice and propriety; but in the opinion of the committee the resolutions, as offered in the House, so far from preferring any charge against Judge Watrous, most studiously avoid any expression of opinion as to his innocence or guilt. They only go to the extent of expressing the opinion that as such charges exist against Judge Watrous, it was alike proper and due to him, and to the people of Texas, that the truth or falsity of such charges should be investigated before the proper tribunals of the country, that his innocence or guilt might be made manifest. The committee have no desire to prejudge the case of Judge Watrous, and to destroy even the shadow of the semblance of such desire, they recommend the adoption of the accompanying amendment to the first joint resolution.

Mr. Jennings, by leave, as chairman of the Judiciary committee, made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

Your committee on the Judiciary, to whom was referred a bill to be entitled an act to authorize the Commissioner of the General Land Office to correct errors, &c., have considered the same, and instruct me to report the accompanying substitute therefor, and to recommend its passage. Report received.

Mr. Clow, one of the committee on Engrossed Bills, made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on Engrossed Bills beg leave to report the following bills as correctly engrossed, to-wit:

A bill to be entitled an act to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company;

A bill to be entitled an act for the relief of Jose Maria Gonzales;

An act to incorporate the Tellico Manufacturing Company. Report accepted.

On motion of Mr. Reeves, a bill to be entitled an act to prohibit the location, surveys and patenting of certain certificates, issued under the provisions of the act of February

10th, 1852, entitled an act relating to lands in Peters' Colony, read third time and passed.

Mr. Edwards made a motion to adjourn under the rule; lost.

On motion of Mr. Runnels, Mr. Holland was added to committee on Probate Law.

On motion, House adjourned until 9½ o'clock, A. M., tomorrow.

AUSTIN, December 30, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

Mr. Kittrell offered the following resolution :

Resolved, That the Special Committee on Probate Law be permitted to employ a clerk, his services to cease when they report their bill, and that the said clerk be allowed the sum of \$5 per day for his services; adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Edwards, one of the Judiciary committee reported as follows :

Hon F. M. LOCKE,

Speaker pro tem of the House of Representatives:

The Judiciary committee to whom was referred a bill supplemental to an act to amend the Charter and for the relief of the Houston and Texas Central Railroad Company, passed December — 1857, have had the same under consideration and instruct me to report that the committee see no legal objection to the same, and that by its rejection it will defeat the object of the former act alluded to, which would prove injurious to the Company; they therefore, instruct me to report the bill back to the House, without amendment and recommend its immediate passage; report received.

On motion of Mr. Henderson of Harris, the rule was suspended and the report and bill taken up, and bill read second time.

Mr. Hart proposed to amend by striking out the words, "and the Governor is hereby authorized to remit said penalty."

On motion of Mr. Evans of McLennan, laid on the table, and bill ordered to be engrossed.

On motion of Mr. Henderson of Harris, the rule was further suspended, bill read third time and passed.

Mr. Hicks, one of the Judiciary committee, reported as follows :

Hon. F. M. LOCKE,

Speaker pro tem of the House of Representatives :

The Judiciary committee to whom was referred a bill to abolish secret or implied liens in sales of lands or other property, have considered the same, and deem it inexpedient at this late day to alter the uniform policy of the law to the extent contemplated by the provisions of the bill under consideration. Your committee, therefore, instruct me to report, that in their opinion, the said bill be indefinitely postponed, and pray to be discharged, &c. ; report received.

Mr. Jennings, Chairman of committee on Judiciary, reported as follows :

Hon. F. M. LOCKE,

Speaker pro tem of the House of Representatives :

The Judiciary committee to whom was referred the Senate's Bill supplemental to and amendatory of an act to ascertain the legal claims for land and money against the State, passed August 1st, 1856, have had the same, with all the other references on the same subject, under consideration and instruct me to report back the Senate's bill, with the accompanying amendments, and earnestly recommend its immediate passage : When so amended, as the office of Commissioner of Claims, as now constituted will expire with the present year, and they deem it of great importance to the public interest that the action of the Court of Claims should suffer as little delay as possible by protracting the legislation necessary for its organization. Your committee are of opinion that the bill with the amendments now recommended to the favorable consideration of the Honorable House of Representatives, afford the best solution of all the other propositions before them on the subject of the Court of Claims, and accordingly beg leave to report back such other propositions, and ask to be discharge from their further consideration ; report received.

Mr. Jennings moved to suspend the rule and take up report and bill—lost.

Mr. Kirk, one of the committee on State Affairs, reported as follows :

Hon. F. M. LOCKE,

Speaker pro tem of the House of Representatives :

The committee on State Affairs have examined a bill amendatory of an act to restore lands sold for taxes and purchased by the State to former owners, on certain conditions, and see no good reason why the extension of the time asked for should not be granted, and have instructed me to report the bill back and recommend its passage ; report received.

Mr. Hardin, Chairman of committee on Land Office, reported as follows :

Hon. F. M. LOCKE,

Speaker pro tem of the House of Representatives.

The committee on the Land Office, to whom was referred a bill requiring surveyors to return certain certificates, have given the subject the consideration they deem its importance demands, and I am instructed by a majority of the committee, to report the same back and recommend its favorable consideration. A minority of the committee are of opinion that the object sought to be attained is not likely to be consummated by the passage of the bill ; report received.

Mr. Brown, Chairman of committee on Counties and County Boundaries, reported back a bill to allow the County Clerk of McLennan County to transcribe certain records in his office, asking its reference to the Judiciary committee ; said committee having before them a general bill providing for all such transcripts ; report received.

On motion of Mr. Brown, the rule was suspended and the report taken up and adopted, and bill referred as asked.

Mr. Brown also reported as follows :

Mr. SPEAKER :

The committee on Counties and County Boundaries, to whom were referred a petition of forty-two citizens of the Counties of DeWitt, Victoria, Jackson, and Lavaca, praying the creation of a new county ; and also a petition of sundry citizens of Cherokee, Houston and Angelina counties, asking the creation of a new county, have considered the same, and find the facts to be similar in each case. In each case the territory sought to be created into a new county, is much less than 900 hundred square miles, and would reduce all of the counties from which the same is to be taken, also to less than the same area. The majority of the delegations concerned are opposed to the measures sought.

A majority of the committee believe that under the 34th section of the 7th Article of the Constitution, the Legislature does not possess the power to create a county of less area than 900 square miles; a portion of them entertain a different opinion; but all agree in the belief that as a general rule of expediency, no county of less contents should be established, unless an imperative necessity should exist. This is the more apparent when we consider the great territorial extent of our State, and the large number of counties that must necessarily be demanded of the full size indicated by the Constitution. The committee make no pretension to legal acumen, but they regard the language of the Constitution as ambiguous on this subject, and regret that no judicial construction has been called forth upon it. It is true, however, that several counties were formerly established of much less area; but whether by accident or as a deliberate expression of legislative and executive opinion, the committee are not advised. Orange, Caldwell, and Madison, counties were thus established. But at the last session of the Legislature bills creating the counties of Cibolo and Hardin, were vetoed by the Governor on the ground that they contained less than 900 square miles, notwithstanding the bill creating Cibolo county, had passed both Houses by a two-thirds vote. After full discussion, the Senate refused to pass the bill over the veto, and the sense of the House was evidently with the opinion of the Governor. Among the best lawyers of the State, the section of the constitution referred to is differently construed—some contending that the Legislature cannot, in any mode, create a county of less than 900 square miles—others that the Legislature may do so by a two-thirds vote of each House. And the question remains in this equivocal attitude.

In view of all the facts the committee instruct me to return the petitions to the House and recommend their rejection.

JNO. HENRY BROWN,
Chairman.

On motion, the rule was suspended, report taken up and adopted. Also reported recommending the passage of a bill to attach a portion of Trinity county to the county of Walker; report received.

And recommended the passage of a bill to create the county of Bourland with the following amendment:

Strike out "Bourland," and "Bourland Green," wherever they occur, and insert "Archer," and add to 1st section the

words "in honor of Dr. Branch F. Archer, deceased ;" report received.

Mr. Johnson, Chairman of committee on printing, reported as follows :

Hon. F. M. LOCKE,

Speaker pro tem of the House of Representatives :

The committee on Printing, to whom was referred a resolution instructing us to enquire into the propriety of limiting the publication of the Governor's Proclamation in the newspapers of the State, and to regulate the pay for printing the same, report as follows : To limit the printing of the Governor's Proclamation authorizing a change of the Constitution in the newspapers of the State, would, in the opinion of your committee, be a violation of the spirit and letter of the 27th Section, Art 7th of the Constitution. As far as regulating the pay for such printing is concerned, the committee have already reported a bill and recommended its passage. The committee, therefore, ask to be discharged from a further consideration of the resolution ; report received.

Also reported a substitute for a bill to regulate the printing of the Proclamation of the Governor, ordering the vote to be taken upon resolutions to change the Constitution ; report received.

Mr. Ward, one of committee on Enrolled Bills, reported correctly enrolled, properly signed and presented for Executive approval :

A bill for the relief of Joseph Baker.

A bill making a contingent appropriation for the State Penitentiary, and

A bill to incorporate the town of Weatherford ; report accepted.

Mr. Bee, Chairman of committee on State Affairs, reported recommending the passage of a bill to incorporate San Andres Lodge of Free Masons in Cameron in Milam county ; report received.

Also a bill to incorporate Castilian Lodge of Free Masons at Canton, in Van Zandt county ; report received.

Mr. Munson, one of the same committee, reported recommending the passage of a Senate bill, to authorize the county of Wharton to levy a special tax ; report received.

Mr. Ross, of the same committee, reported recommending the immediate passage of a bill to amend an act authorizing

the Governor to procure and have cast for the benefit of the several counties of this State a full set of weights and measures, in conformity to the standard now in use, and adopted by the Government of the United States, and providing for the distribution of the same ; report received.

Also reported recommending the passage of a bill to prohibit the carrying of concealed weapons ; report received.

A message was received from the Senate announcing to the House, the passage of a bill to be entitled an act to protect persons whose lands are subject to forfeiture, originating in the Senate ; and a bill to be entitled an act to incorporate the West Fork Mill Company, originating in the House ; and that the Senate had adopted a resolution providing that a Joint Committee be raised upon Public Grounds, to consist of two on the part of the Senate and three on the part of the House, and that Messrs. Britton and Graham have been appointed on the part of the Senate, said committee.

BILLS AND RESOLUTIONS.

Mr. Henderson of Harris introduced a bill to repeal an act creating a system of bankruptcy, and regulating the collection of foreign debts, approved 19th January, A. D. 1851 ; read first and second times and referred to the committee on the Judiciary.

Mr. Ward introduced a bill to incorporate the Philosophian Society of Chappel Hill College ; read first and second times and referred to the committee on State Affairs.

Mr. Rhodes introduced a bill to be entitled an act to provide for taking testimony in foreign countries ; read first and second times and referred to the committee on the Judiciary.

Mr. McKinney of Travis introduced a joint resolution in relation to raising a committee on the part of the House and Senate, to examine into the state of Clerical force now employed in the several departments of the State Government ; read first time.

Mr. Clow introduced a bill to be entitled an act to incorporate Lavaca Lodge No. 36, Free and Accepted Masons ; read first and second times and referred to the committee on State Affairs.

Mr. Powell, by leave, presented the petition of Charles L. Rogers ; referred to the committee on the Judiciary.

Mr. Joseph presented the petition of Rose McCormick ; referred to the committee on the Judiciary.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly Engrossed, a bill to be entitled an act supplementary to an act entitled an act to amend the charter and for the relief of the Houston and Texas Central Railroad Company, passed December 1857. Report accepted.

Mr. Johnson, by leave, offered the following resolution :

Resolved, That there shall be printed for the use of the House ten thousand copies of the report of the committee on Slaves and Slavery, including the appendix to the same.

Mr. Wælder offered the following as a substitute for Mr. Johnson's amendment :

Resolved, That ten thousand copies of the report of the committee on Slaves and Slavery, in relation to re-opening the African Slave Trade, together with the letter of Governor Hammond, be printed for the use of the House—7,500 copies thereof in the English language, 1,500 in the German, and 1,000 in the Spanish language—the two last to be contracted for by the committee on Printing ; provided that the same be not published in the Tri-Weekly Gazette. Adopted.

Mr. Hart offered the following amendment :

“And that the committee be further instructed to enquire into the cost of said documents, and report the same to this House.”

On motion of Mr. Evans of McLennan, the amendment was laid on the table.

On motion of Mr. Reeves, the previous question ordered.

The question being on the adoption of the resolution as amended, the same was put, and the resolution was adopted by a vote of 64 yeas to 8 nays.

Mr. McKinney asked leave to explain his vote.

The Speaker decided that he would be out of order, the previous question precluding all debate.

Mr. Poag appealed from the decision of the Chair.

The question being put on the appeal, the Chair was sustained.

Mr. Lee offered the following resolution, which was adopted :

Resolved, That the committee on Printing be required to have printed one hundred copies of the Senate's Court of Claims bill, with the amendments proposed by the committee of the House in their proper places, for the use of the House.

On motion, the House adjourned until 9½ o'clock, A. M., to-morrow.

AUSTIN, December 31st, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Aycock presented the petition of sundry citizens of Limestone county; referred to the committee on Counties and County Boundaries.

Mr. Hicks presented the petition of David Ford and other citizens of Newton county, praying for a donation of land for Camp-meeting purposes, &c.; referred to committee on Public Lands.

Mr. Cooley presented the petition of sundry citizens of Bexar, Gillespie and Llano counties; referred to the committee on Counties and County Boundaries.

Mr. Lewter presented the petition of George Elliot, for services rendered and labor performed; referred to committee on private Land Claims.

Mr. Lewter also presented the application of Thomas Jamison for land; referred to the committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Clow, one of the committee on State Affairs, made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on State Affairs, to whom was referred a bill supplemental to an act to create the office of Weigher of Cotton, for certain ports in this State, have instructed me to report, that they view this supplemental act as essential and necessary, to carry out the valuation and meaning of the original act, and to make the same operative and useful. They therefore recommend its passage. Report received.

Mr. Wælder, one of the committee on State Affairs, made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on State Affairs, who were instructed by resolution of the House to enquire into the expediency of repealing the usury laws, have had the subject under consideration, and recommend the propriety of such repeal. They

therefore report the accompanying bill, having that object in view. Report received.

Mr. Edwards, chairman of the committee on Military Affairs, made the following report :

To the HON. W. S. TAYLOR,

Speaker of the House of Representatives:

The committee on Military Affairs, to whom was referred a bill entitled "an act to encourage the permanent organization of volunteer military companies in this State," have had the same under consideration, and instruct me to report, that in the opinion of your committee, a military spirit should be fostered among our citizens, and that it is highly important to the welfare of our State and the country at large that the militia—the only arm upon which a Republican Government can rely—should be as thoroughly organized as the circumstances of our position as a young State will admit.

Although Texas has heretofore earned for herself, through her Rangers and Riflemen, an enviable reputation for chivalry, and shed a halo of glory around her arms long to be remembered, still, on account of the rapid growth of our State, it will be impossible for her to maintain that high character for military prowess, as in future wars troops of every arm of the service will be drawn from her—not only the undisciplined Rangers, who always performed admirable service in their line, as scouts and skirmishers, but she will have to furnish her portion of infantry and artillery, which are totally ineffectual without a course of training before entering upon active duty.

And, although it is a painful thought for any true lover of his country to entertain, still it is nevertheless true, that we have been, and may now be, upon the verge of a terrible revolution, that will shake this mighty colossus, reared by the immortal heroes of '76 to the Goddess of Liberty, to its centre, and blast the hopes of the world in the failure of this great experiment.

The hirelings of Northern fanaticism have already inaugurated the crimson wave of civil war upon the plains of Kansas, and their inhuman military leader, (Lane,) has announced his intention of never laying down his sword until he has devastated the entire country to the Gulf of Mexico, and until he has made our fair land an appendage to Freesoil. The stirring scenes of the last Presidential canvass have died away,

and peace and quiet reign in a measure at present; but who knows but what it is the sullen calm before a mighty storm that is to sweep from one end of this land to the other, and rend the two sections asunder. We of the South have retreated to the wall, and at the next attack made upon us by the North, we have no resort left us but an appeal to arms to vindicate our honor, or an ignominious submission to an oppressive sectional majority.

It is well, then, in view of these and other facts that we might mention, (although we trust that such a crisis may never arrive,) to adopt the maxim of the Father of our Country: "while in peace prepare for war;" and believing that the plan proposed is one of the best modes of schooling our citizen-soldiery and stimulating them to exertions in this direction, your committee therefore instruct me to report the accompanying substitute for the bill, and recommend its passage.

WM. EDWARDS, Chairman.

Report received.

Mr. Kittrell, chairman of the committee on Education, reported as follows:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

A portion of the committee on Education, to whom was referred a bill to be entitled an act to incorporate the Waco Union Female Institute, have examined the same, and find it to be quite a modest, simple act of incorporation, to which there can be no objection; they therefore report the same back, and recommend its passage. Report received.

Mr. Wælder, chairman of the committee on Indian Affairs, reported as follows:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on Indian Affairs, to whom was referred the accompanying bill, to be entitled an act to amend an act to extend the intercourse laws of the United States for the prevention of the introduction or sale of wines and spirituous liquors within ten miles of the Indian Reserve, in the State of Texas, have examined the same, and respectfully recommend its passage. Report received.

Mr. Rainey, chairman of committee on Internal Improvements reported as follows:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

An act amending an act entitled an act to encourage the improvement of the navigation of the rivers and other water courses in Texas, by making appropriations for the same, passed August 1st, 1856, which was referred to the committee on Internal Improvements, has been duly considered, and said committee instruct me to report the bill again to the House, and recommend its rejection. Report received.

Mr. Barnard, one of the committee on public Lands, made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Public Lands, to whom was referred two separate bills, each entitled "an act granting to settlers on vacant public domain pre-emption privileges," have had the same under consideration, and believing that the settlement and cultivation of the uninhabited parts of the public domain should be encouraged, they have instructed me to report the accompanying bill, as a substitute for the same, and recommend its passage. Report received.

Mr. Barnard also made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Public Lands, to whom was referred a bill to be entitled "an act to secure certain lands from location," have had the same under consideration, and its propriety being so obvious, have instructed me to report the same back to the House, and recommend its passage. Report received.

Mr. Barnard also made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Public Lands, to whom was referred a bill to be entitled "an act authorizing and requiring the approval and patenting second class headright certificates," have examined the same, and consider that the subject matter of the same should now be properly investigated by the Court of Claims, and recommended by the Commissioner of that Court if considered necessary. They have therefore instructed me

to report the same back to the House, and ask to be discharged from its further consideration. Report received.

Mr. Barnard also made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Public Lands, to whom was referred a bill originating in the Senate, entitled "an act to amend an act for the relief of Arthur G. Wavell," passed August 27th, 1856, have had the same under consideration, and respectfully recommend that the same be rejected.

The same having been *re-referred*, and nothing having appeared to change the mind of your committee, they have instructed me to *re-report* the same back to the House, and to re-recommend its rejection.

Mr. Rainey, chairman of the committee on Internal Improvements, made the following report:

Hon M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Internal Improvements, having enquired into the merits of the bill supplemental to an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1st, 1856, have examined the same, and instruct me to return said bill to the House, and recommend its passage with the accompanying amendment:

Strike out "New Orleans," in the second line, of the first section, and insert, "Louisiana."

Mr. McKenney of Hopkins, by leave, presented the following petition of C. M. Houston and J. A. Hendrick; referred to committee on Counties and County Boundaries.

Mr. Carroll, by leave, presented the following petition of sundry citizens, for the county of Archer; referred to committee on Counties and County Boundaries.

Mr. Hart, one of the committee on Finance, made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee to whom was referred the Governor's Message, with a report of the Comptroller, in regard to the bids that he had received for two hundred thousand dollars of United States bonds, have had the same under consideration, and

report the accompanying bill and recommend its passage ; and from the representation of the Comptroller, it is considered of the greatest importance that this bill should be passed immediately. All of which said committee would respectfully recommend. Report received.

On motion of Mr. Hart, the rule was suspended, and report and bill taken up.

Mr. Hart proposed to amend as follows :

“ That this joint resolution be in force from and after its passage.” Adopted.

Mr. Lee moved to postpone the consideration of the subject until Saturday next.

On motion of Mr. Henderson of Harris, the whole matter was laid on the table for the present.

Mr. Brown, one of the committee on State Affairs, reported as follows :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on State Affairs, to which was referred a resolution instructing them to enquire into the expediency of establishing an Agricultural Bureau of the State Government, have maturely considered the subject, and regard it as one worthy of the favorable action of the Legislature. The committee, believing that another object may be accomplished in connection with this measure, in a simple and economical mode, involving an expenditure trifling in comparison with the advantages to be derived, instruct me to report the accompanying bill and recommend its passage.

Report received and bill read first time.

Mr. Bee, chairman of the committee on State Affairs, reported as follows :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on State Affairs have examined a bill supplemental to an act to raise a revenue by direct taxation, and find that it relates only to Hawkers and Peddlers—have no doubt but that the supplement proposed will be salutary and promote the interests of the State ; they therefore direct me to report the bill back and recommend its passage. Report received.

Also reported recommending the passage of the following bills :

A bill to allow J. H. Matthews to construct a dam across and a mill upon the Colorado River ;

A bill to amend an act incorporating the Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company ;

A bill relinquishing the right of the State to twenty-five acres of land on Pelican Flat, in the Bay of Galveston, to the Dry Dock Company.

Reports received.

Also reported a bill to authorize the County Court of Navarro county to levy a special tax.

Report received and bill read first time.

Mr. Kittrell introduced the following resolution, which was adopted :

Resolved, That the committee on Finance be instructed to furnish this House with such proof as they are enabled to command in reference to the value of United States stock in the stock market of the country, and that they be required to report previously or simultaneously with the action of the House, on a report which was made by said committee this morning, touching the sale of United States 5 per cent. bonds now in our State Treasury.

Mr. Craig introduced a joint resolution for the relief of Hon. C. A. Frazer ; read first and second times.

Mr. Murrah moved to refer to committee on the Judiciary ; lost, and joint resolution ordered to be engrossed ; rule suspended, read third time, when Mr. Henderson of Harris moved to insert the name of A. W. Terrell, Judge of the 2d Judicial District. Adopted.

Mr. Bee moved to amend caption by striking out the words "for the relief of," and insert instead thereof the words "granting leave of absence from the State to ;" carried, and bill as amended passed.

A message was received from the Senate, announcing the passage by that body of a joint resolution authorizing the acceptance of certain proposals for the sale of United States bonds owned by the State of Texas.

Mr. Poag introduced the following resolution :

WHEREAS, It became necessary early in this session of the Legislature for the committee on the Judiciary to have a clerk to expedite the large amount of business referred to said committee ; and, whereas, the chairman of that committee employed James R. Taylor, who has faithfully served as clerk to said committee. Be it therefore,

Resolved, That the Treasurer is hereby authorized and required to pay out of the contingent fund of the House, to said Taylor, the sum of \$5 for each day he may have, or may hereafter serve said committee in said capacity of clerk, which shall be paid on the certificate of the Chief Clerk of the House showing the length of service."

Mr. Price moved to strike out "contingent fund," and insert "out of the per diem of the members of the committee on the Judiciary."

On motion of Mr. Poag, laid on the table.

Mr. Price offered the following amendment :

Strike out "five dollars per day," and insert "\$2 50 per day." Rejected.

Mr. Evans of McLennan moved to strike out "five dollars per day" and insert "\$10 per day."

On motion of Mr. Kittrell, laid on the table.

On motion of Mr. Runnels, the main question was ordered, which being the adoption of the resolution, the same was put and the resolution adopted.

Mr. Dalrymple moved to suspend the rule and take up a bill for the relief of J. P. Gorman ; lost.

On motion of Mr. Henderson of Harris, the following House bills, with amendments from the Senate, were taken up and disposed of as follows :

A bill to be entitled an act authorizing and requiring all forced sales of negroes and real estate, made by executors and administrators, to be made at the door of the Cassimer House, in the city of Indianola ; amendment concurred in.

A bill to authorize the Commissioner of the General Land Office to cancel patent No. 815, vol. 8 and C ; amendment concurred in.

A bill to be entitled an act to incorporate the town of Bonham ; amendment concurred in.

A bill to be entitled an act to regulate the pay of Grand and Pettit Juries in the county of Smith ; amendment concurred in.

ORDERS OF THE DAY.

A resolution offered by Mr. Rainey, relative to holding evening sessions, was taken from the Speaker's table, and on motion of Mr. Henderson of Harris, laid on the table.

A resolution offered by Mr. Witt relative to the adjournment sine die of the Legislature ; laid on the table for the present.

A resolution offered by Mr. Henderson of Harris, repealing the rule requiring the House to meet at 9½ A. M., each day ; adopted.

Mr. Rainey, chairman of the committee on Internal Improvements made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Internal Improvements have had under consideration a bill entitled "an act to amend an act entitled an act to incorporate the Houston Tap and Brazoria Railway Company, passed September 1st, 1856," and notwithstanding they unanimously concur in the propriety of the law requiring all railroad companies in the State of Texas to adopt the same guage for their roads, yet the committee are satisfied from investigation that the necessity exists for the adoption by the Houston Tap and Brazoria Railway Company of a guage differing from the one prescribed by existing laws.

It appeared to the committee that nine miles of said road has been completed, and in good running order for several months past, from the city of Houston to the point of intersection with the Buffalo Bayou, Brazos and Colorado Railroad ; that a considerable portion of the said last mentioned road had been completed prior to the passage of the act prescribing a uniform guage for Railroads, and that the above mentioned nine miles of the Houston Tap and Brazoria Railway was completed with a guage corresponding with that adopted by the said Buffalo Bayou, Brazos and Colorado Railway Company—both differing from the guage prescribed by law.

The reasons for adopting the same guage for the two roads are too apparent to require expression in this connection. The reasons are also apparent for continuing this road, from the point of intersection as aforesaid, with a guage similar to that of the nine miles already completed ; for if any other be selected it will destroy the connection between this point and the termini of either of the above mentioned roads, and thereby produce the unavoidable necessity for the reshipment of produce from said point of intersection ; and therefore the committee have instructed me to return the bill to the House and recommend its passage. Report received.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly engrossed, a bill to be entitled an act authorizing and

requiring the County Courts to regulate roads, appoint overseers, &c., &c.

A resolution offered by Mr. Norton, prescribing the duties of the Sergeant-at-Arms of the House in certain cases, taken from the Speaker's table.

On motion of Mr. Bee, laid on the table.

Mr. Lee, by leave, presented the petition of James M. Robinson and Mary E. Keith; referred to committee on Private Land Claims.

A resolution offered by Mr. Evans of McLennan, refusing to consider claims for money or land against the State, the validity of which had been previously passed upon—

Mr. Kittrell offered the following amendment:

“Provided, that the resolution shall not apply to any claims which have been already before the committees, and which have received either final or partial action of said committees.” Adopted.

The question recurring on the adoption of the resolution, the same was put, and the House refused to adopt the same.

A resolution offered by Mr. Runnels, requiring the names of absentees, at the roll call of the House, to be noted in the Journals, taken from the Speaker's table, and.

On motion of Mr. Shannon, laid on the table.

On motion of Mr. Shannon, the House adjourned until 6½ o'clock, P. M.

6½ O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

A bill to incorporate the Beneficiary Association of San Antonio taken up; read third time and passed by a two-thirds vote.

A bill for the relief of Goodwin Killian taken up; read third time and passed.

The following Senate's bills were taken from the Speaker's table, read first and second times and referred to their appropriate committees, viz:

A bill to be entitled an act to provide for the incorporation of towns and cities; referred to the committee on the Judiciary.

A bill to be entitled an act to release the right of the State

to mines, minerals, salt licks and salt springs, and to allow the public domain on which the same are situated to be located; referred to the committee on State of Texas.

A bill to be entitled an act to amend the 4th section of an act to organize County Courts, passed the 16th March, 1848; referred to the Judiciary committee.

A bill to be entitled an act to amend the first section of a joint resolution for the relief of the company of Rangers commanded by Capt. Wm. Becknell, in the year 1836, approved February 11th, 1852; referred to committee on State Affairs.

A bill to authorize John J. Johnson to keep his Mill in operation, at a point on the Colorado river opposite Block No. 185, in the city of Austin; referred to the committee on the Judiciary.

A bill to be entitled an act to protect persons whose lands are subject to forfeiture; referred to the committee on the Judiciary.

A bill to be entitled an act to incorporate the Indianola Railroad Company taken up.

Mr. Henderson of Harris moved to suspend the reading of the bill and read by caption.

The Speaker decided the motion out of order, on the grounds that under the rule it required to be read once for information.

Mr. Wood moved to lay the motion to suspend the reading on the table; lost.

The question recurring on the motion of Mr. Henderson of Harris, the same was put, and the reading of the bill was dispensed with by the following vote:

YEAS—Messrs. Aycock, Bee, Brown, Burks, Burnett, Carroll, Cooley, Dalrymple Edwards, Evans of McLennan, Fisher, Gaston, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Henderson of Harris, Jennings, Kinney, Kittrell, Lesueur, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Munson, Powell, Reeves, Scott, Shannon, Shelton, Smith of Fannin, Wælder and Walling—35.

NAYS—Messrs. Baldwin, Barnard, Bishop, Chilton, Clow, Craig, Crook, Doom, Everett, French, Hall, Harrison, Hart, Henderson of Cass, Hicks, Higgins, Johnson, Joseph, Kirk, Lacy, Lee, Locke, Merriman, Murrah, Navarro, Poag, Price, Rainey, Roberts, Ross, Smith of Orange, Ward, Waterhouse and Wood—34.

Mr. Evans of McLennan moved to adjourn until Saturday morning 9½ o'clock, A. M.; lost.

On motion of Mr. Chilton, the House adjourned until 9½ o'clock, A. M., Saturday next.

AUSTIN, JANUARY 2d, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of Thursday read and adopted.

PETITIONS :

Mr. Jennings offered the following petition of sundry citizens of Cherokee county, praying for a new county ; referred to committee on Counties and County Boundaries.

Mr. Bee offered the petition of S. W. Fisher ; referred to committee on State Affairs.

Mr. Howerton offered the petition of Wm. Mudd, claim for a headright for 350 acres of land ; referred to committee on Private Land Claims.

Mr. Howerton also offered the petition of Wm. Smothers ; referred to committee on Private Land Claims,

Also offered the petition of H. A. Greenwood ; referred to committee on Private Land Claims.

Also, offered the petition of J. H. Livergood ; referred to committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

TO THE HON. M. F. LOCKE,

Speaker pro. tem. of the House of Representatives :

The committee on Slaves and Slavery, to whom was referred "a bill for the appointment of patrols, and prescribing those duties, have had the same under consideration, and after a strict investigation of its provisions, unanimously approve it, and have instructed me to report it back, and ask of your honorable body a favorable consideration, and that it pass without amendment, all of which I herewith most respectfully submit,

S. W. KIRK,

One of the Committee.

Mr. Rhodes, one of the committee on Finance made the following report :

"Your committee on Finance, to whom was referred "A

bill for the relief of George W. Newcomb, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage without amendment ; report received.

On motion, Mr. Reeves' bill taken up and ordered to be engrossed ; rule further suspended, read 3d time and passed.

Mr. Kittrell, Chairman of committee on Public Debt made the following report :

HON. M. F. LOCKE,

Speaker pro. tem. of the House of Representatives:

The committee on Public Debt, to whom was referred a bill to be entitled an act making an appropriation to pay a portion of the second class debt of the late Republic of Texas, have carefully examined the same at two or three different meetings, and a majority of those present have instructed me to report the bill back to the House and recommend its passage for the following reasons : They find, in tracing the history of the debt, which the appropriation in this bill is designed to pay, was a claim against the Republic, afterwards the State of Texas, by Stuart Perry, preferred for the use of a certain vessel in her service during her revolution, to transport men and munitions of war from New Orleans to Texas, also for various supplies for the army.

We find that this claim was referred during the session of 1848, to a joint committee of the two houses, and by them seemed to have been thoroughly examined in all of its details, and pronounced by them a good and valid claim against the government (as may be seen by their very able report in Senate journals, for 1848, p. p.). On that examination was based the following joint resolution passed by the Legislature of that date auditing, scaling, and ordering said claim to be paid.

The joint resolution reads thus :

"Be it resolved by the Legislature of the State of Texas :

"That the claims of Stuart Perry against the late Republic of Texas, be and the same are hereby audited and acknowledged as good and valid claims against the said Republic for the amount of thirty-eight thousand and fifty-three dollars and seventy-three cents, and that the said accounts and vouchers shall be deposited in the office of Comptroller of Public Accounts, and when so deposited shall have the same force and effect, as if the same had been audited and settled by the

proper accounting officer of the late Republic of Texas, provided further that the said amount hereby audited is hereby declared in full of all claims and demands which the said Perry may have against the said Republic, including interest up to this date." The Legislature of that session failed to make an appropriation for the payment of this claim. About this time a Mr. — Plummer, who is now the proper representative and owner of this claim, on consultation with a Senator and the Representatives from Texas in the Congress of the United States, purchased the same. Your committee would suggest that Mr. Plummer is an innocent third purchaser of this claim, and has acted with a modesty and prudence rarely practised by those who attend here, from time to time, to press their claims. This, together with the fact, that he is here far from home and friends, and on heavy expense, we feel entitles him at least to some speedy and definite action on this claim, by which he may be released.

Your committee, after tracing the claim up to the act of 1848, as cited above, and finding that by said act of the Legislature the claim had been audited scaled and acknowledged to be valid, did not feel authorized to go behind such enactment and action, the same standing unrepealed on the statute book. They therefore, from all the circumstances connected with this matter, have instructed me to say that they regard it as still a just and valid claim against the State, and recommend its payment.

P. W. KITTRELL,
Chairman.

Report received.

Mr. Brown, Chairman of Committee on Counties and County Boundaries made the following report :

The committee on Counties and County Boundaries, to whom was referred several petitions of citizens of San Saba, Llano and other counties adjoining, praying a change of county lines, instruct me to report the accompanying bills and recommend their passage. The grievances complained of will be entirely remedied by the proposed bills ; report received, and bills read 1st time.

Mr. Ward, Chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, to whom was referred an "act entitled an act for the relief of Martin Winne," and "an act to organize the county of Presidio," have had the

same under consideration and find them correctly enrolled, properly signed, and have presented the same to the Governor for his approval ; report accepted.

On motion of Mr. Kittrell, "a Bill to be entitled an act supplemental to and amendatory of an act, to be entitled an act to ascertain the legal claims of money and lands against the State," passed Aug. 1st, 1856, was taken up and made the special order of the day for Monday next.

The following Senate's bills were taken from the Speaker's table :

A bill to be entitled an act to incorporate the Indianola Railroad Company, read 1st and 2d times, and referred to committee on Internal Improvements.

A bill to be entitled an act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio ; read 1st and 2d times, and referred to committee on State Affairs.

BILLS AND RESOLUTIONS.

Mr. Howerton introduced a bill to incorporate the Texas ant-killing company ; read 1st and 2d times, and referred to committee on State Affairs.

Mr. Burnett introduced a bill for the relief of the heirs of Sydney O. Pennington ; read 1st and 2d times, and referred to committee on Private Land Claims.

Mr. Poag offered the following resolution :

Resolved, That the Judiciary committee be required to enquire into the expediency of requiring all plaintiffs, in all suits to give security for all costs of suit.

Also, that said committee be required to enquire into the propriety of amending the act defining the jurisdiction of Justice's Courts, so as to give said Courts jurisdiction in all cases whatever, where the District Court has not jurisdiction ; adopted.

A bill to amend the 2d section of an act to incorporate the Dallas Bridge and Causeway Company, and to repeal an act amending same, passed August 18th, 1856, taken up ; read 1st and 2d times, and referred to committee on Roads, Bridges and Ferries.

Mr. Hart offered the following resolution :

Resolved, That the committee on Public Printing be instructed to inquire into the propriety of regulating by law the prices to be paid by the State for the printing of the Gover-

nor's proclamation for other purposes than the amendment to the Constitution, and report by bill or otherwise ; adopted.

Mr. McKinney of T., introduced a bill concerning District and County Surveyors and their deputies ; read 1st and 2d times, and referred to committee on Public Lands.

A message was received from the Senate, announcing to the House the passage of the following bills originating in the House :

A bill to repeal a portion of the act of February 10th, 1852, entitled an act in relation to lands in Peter's colony ;

And a bill for the relief of the heirs of Jesse Boykin, deceased ;

Also, a bill originating in the Senate for the relief of the heirs of Buford Garrett ;

And a bill to remove the disabilities of minority from Wm. W. Gordon, and Drury C. McGee, and to declare them of lawful age.

Mr. McKinney of T., offered the following resolution :

WHEREAS, by the liquidation of the debt of the late Republic of Texas, much of the labor which in consequence devolved upon the various departments of the State Government has ceased,

Therefore, be it Resolved, the Senate concurring, that a joint committee be raised, composed of three from the House and two from the Senate, whose duty it shall be to examine the various offices of the General Land Office, that of Commissioner of Claims, Secretary of State, Comptroller and Treasurer, and ascertain the number of employees of each, and the salaries of each employee in each of said offices, and report the same to each House, and whether it will be expedient to dispense with the services of any of such employees ; adopted.

Mr. Roberts offered the following resolution :

WHEREAS, on or about the 1st November last, three citizens of this State were murdered and plundered of their property while on their way to the Rio Grande by Mexicans, who have escaped into the territory of Mexico, as is set forth in the following letter from the father of one of the murdered men, to wit :

YORKTOWN, Dec. 23d, 1857.

F. M. GIBSON, *Editor of the Sentinel*.—DEAR SIR :—It is my painful duty to address you upon a melancholy subject.—Col. Preston Stapp, who was on a visit to my house yesterday, informed me that you are one of the Mier prisoners. My eldest

son Elijah R. Porter, was also a prisoner, and died from cruel treatment in the city of Mexico. Now I have lost my youngest son, murdered by Mexicans, and I desire you to publish the following letter in order that it may be known what protection is extended to our own citizens compared with that afforded to Mexican greasers. The time is fast approaching, when the good citizens will rise *en masse*, and say they will be free. I will give the facts as they are and can be proved.

My son, William Jefferson Porter, owned two negro men, who some time since ran away. They were taken up and put in jail at Laredo, on the Rio Grande, of which fact the city Marshal of that place informed my son by letter. Wm. induced his brother, John T. Porter, Jun., and Wm. Dally and Wm. York to go and get his negroes, for whom, together with two stolen horses, a reward of \$550 had been offered. The three gentlemen above mentioned, left my house on the 24th of October in pursuit of the runaways. Eighteen days after their departure a Mr. Lovel brought the negroes home and stated that my son and his companions had not been heard of at Laredo when he left, which with the fact of receiving no letters, caused much uneasiness.

Lovel, upon his return to Laredo learned that three men had been killed.

William J. Porter, with J. Bell, John York, James York, and Benjamin Dally went in search of the murdered men, but made no discovery until reaching Laredo. Here were found their horses and mules, some of their clothing and the names of the Mexicans who committed the assassination. One of the Mexicans was at this time on the other side of the river. The Alcalde, who lived on the opposite side of the Rio Grande, came over and said he was satisfied that the Mexicans who perpetrated the murder resided on that side ; but that he had no authority to deliver them on this ; that those in pursuit might cross the river after dark, and secure one of the Mexican assassins who was at home ; and that they could cross the river back with him. A spy being appointed to watch the Alcalde, ascertained that instead of performing his promise, he had sent the Mexicans off, and at the crossing of the river had placed a double guard, so as to kill the whole party as they passed between it.

Seeing they were too weak, (being only five in number) to arrest the murderers, they returned to search for the dead bodies, which had been removed some distance from the road.—

From a report that a band of Mexican robbers would follow and attack them after leaving Laredo, a United States officer, stationed there, sent with them an escort consisting of eight men. They were followed by the robbers, but on account of the presence of the soldiers received no attack ; nor did they make any discoveries.

I understand the Legislature has passed a law for the benefit of Mexican greasers, who are not citizens of Texas, but Peons, run away from Mexico. This is certainly very encouraging to the frontier settlers, who are subject to assassination and plunder, and whose estates are taxed to furnish guards for their murderers.

Respectfully,

JOHN T. PORTER.

P. S.—The men killed had nine hundred dollars in gold, four six-shooters, one double barreled gun, two fine horses and a fine mule.

J. T. P.

The statements of which are confirmed by information in the hands of several members of this House :

Be it Resolved, That the committee on Federal Relations be instructed to enquire into the necessity and propriety of addressing the President of the United States, and urge it upon him to use all means in his power to induce the government of Mexico to cause these murderers to be arrested, and delivered over to the tribunals of our State for trial and punishment, and report back to this House by joint resolution or otherwise ; referred to committee on Federal Relations.

ORDERS OF THE DAY.

Special order, viz : The University Resolution taken up.

Question on the adoption or rejection of Mr. Ross's amendment to the same, was put.

Mr. Bee moved to lay the subject matter on the table for the present.

On motion of Mr. Chilton, a call of the House was ordered.

Messrs. Poag and Wælder obtained leave of absence for ten minutes.

Mr. Jennings moved to excuse Mr. Baldwin for twenty-five days.

On motion of Mr. Kittrell the call was suspended.

On motion of Mr. Chilton the main question was ordered, which being the adoption of Mr. Ross's amendment the same was put, and amendment adopted by the following vote :

YEAS—Messrs. Bee, Bishop, Burnett, Chilton, Craig, Crook, Doom, Gaston, Harris of T., Harrison, Hart, Henderson of C., Hicks, Jennings, Johnson, Kirk, Lacy, Lesueur, Lewter, Locke, Lloyd, McKinney of H. Murrah, Navarro, Norton, Poag, Rainey, Rhodes, Roberts, Ross, Runnels, Scott, Shannon, Shelton, Smith of F., Smith of O., Wælder, Walling, Ward, Waterhouse and Witt—41.

NAYS—Messrs. Aycock, Barnard, Brown, Carrol, Clow, Cooley, Dalrymple, Dennis, Edwards, Evans of A., Evans of McL., Everett, Fisher, French, Hall, Hardin, Harris of G., Haynes of Starr, Haynes of W., Henderson of H., Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of T., Merriman, Munson, Powell, Price, Reeves, Upshaw, and Wood—35.

The question on the adoption or rejection of the main resolution as amended was put, and resolution rejected by the following vote :

YEAS—Messrs. Bee, Chilton, Craig, Crook, French, Gaston, Harris of T., Henderson of C., Jennings, Johnson, Kirk, Lacy, Locke, Llod, Murrah, Navarro, Rainey, Roberts, Ross, Runnels, Shelton, Smith of O., Smith of F., Wælder, Walling, and Ward—26.

NAYS—Messrs. Aycock, Barnard, Bishop, Brown, Burnett, Carrol, Clow, Cooley, Dalrymple, Dennis, Doom, Edwards, Evans of A., Evans of McL., Everett, Fisher, Hall, Hardin, Harris of G., Harrison, Hart, Haynes of S., Haynes of W., Henderson of H., Hicks, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, Lesueur, Lewter, McKinney of H., McKinney of T., Merriman, Munson, Norton, Poag, Powell, Price, Reeves, Rhodes, Scott, Shannon, Upshaw, Waterhouse, Witt and Wood—50.

Mr. Bee offered the following resolution :

“When a call of the House is ordered, the roll shall be called through, and if there be any absent the names of the absentees shall be called again : if they do not answer, the Sergeant-at-arms may be sent for them, and the question pending shall be without a motion laid on the table, until the absentees appear, or the call be suspended ;” laid on the table one day for consideration.

Mr. Murrah offered the following resolution :

Resolved, That one hundred leagues of land, and one hundred thousand dollars be, and the same is hereby appropriated and set apart for the establishment of one or two universities,

or one or two colleges, as may hereafter be determined, and that the determination of the question at present of one or two universities or one or two colleges is not expedient, and ought to be more fully canvassed among the people; laid on the table, by the following vote:

YEAS—Messrs. Aycock, Barnard, Bishop, Brown, Burnett, Carrol, Clow, Cooley, Dalrymple, Dennis, Doom, Edwards, Evans of A., Evans of McL., Fisher, Hardin, Harris of G., Harrison, Hart, Haynes of S., Haynes of W., Henderson of H., Hicks, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, Lesueur, McKinney of H., McKinney of T., Merriman, Munson, Norton, Powell, Price, Reeves, Rhodes, Roberts, Scott, Shannon, Smith of O., Upshaw, Waterhouse and Witt—47.

NAYS—Messrs. Bee, Chilton, Craig, Crook, French, Gaston, Harris of T., Henderson of C., Jennings, Johnson, Kirk, Lacy, Lewter, Locke, Lloyd, Murrah, Navarro, Poag, Rainey, Ross, Runnels, Shelton, Smith of F., Wælder, Walling and Ward—26.

On motion of Mr. Kittrell the rule was suspended, and “A Joint Resolution authorizing the acceptance of certain proposals for the sale of United States Bonds owned by the State of Texas,” was taken up.

Mr. Hart moved to substitute the Senate’s bill (with same object,) for the House bill.

Mr. McKinney of T., moved to refer the bill to a select committee with instructions to report at 10 o’clock, Monday morning.

Mr. Hart moved to lay the motion to refer on the table—31 yeas to 42 nays—so the House refused to lay the motion on the table.

On motion of Mr. Kittrell the motion was amended by referring the matter back to the committee on Finance.

On motion of Mr. Jennings the bill was referred to the committee on Finance.

The following message from His Excellency the Governor, was then taken from the Speaker’s table—read, and on motion of Mr. Aycock 7500 copies of the same ordered to be printed for the use of the House. (See Appendix.)

Mr. Carrol introduced (by leave,) “A bill to mark and define the time dividing the counties of Navarro and Hill;” read 1st and 2d times, and referred to the committee on County Boundaries.

Mr. Lee, by leave presented "the petition of John Robbs;" read and referred to the committee on Claims and Accounts.

Mr. Clow one of the committee on Engrossed bills, reported correctly engrossed "A Joint Resolution for the relief of the Hon. C. A. Frazier, and Hon. A. W. Terrell."

Mr. Evans moved to adjourn until 9½ o'clock, A. M. Monday next—lost.

Mr. Aycock moved to adjourn until 7 o'clock, P. M. to-day, whereupon the yeas and nays were demanded, and the House adjourned by a vote of 38 yeas to 29 nays. —

7 O'CLOCK, P. M., January 2d, 1857.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Murrah, Mr. Holland was excused from attendance on the House for the evening, on account of sickness.

A message was received from the Senate announcing to the House the passage of the following bills, originating in the Senate, viz :

"A bill to be entitled an act supplementary to and amendatory of an act, entitled an act to adopt and establish a Penal Code for the State of Texas, approved 28th August, 1856."

"A bill to be entitled an act to amend the 1st section of an act to create the county of Jack."

"A bill to be entitled an act to amend the 1st section of an act, entitled an act to create the county of Palo Pinto."

"A bill to be entitled an act to incorporate the preachers Aid Society of the East Texas Conference."

Mr. Wood, one of the committee on the Judiciary, reported as follows :

To HON. M. F. LOCKE,

Speaker pro. tem. of the House of Representatives :

The Judiciary committee, to whom was referred the petition of Thomas H. Mays, have considered the same ; there is no legal objection, in the opinion of the committee to granting the petitioner the relief prayed for, but the consideration of the matter appropriately belongs to the committee on Claims and Accounts. The committee therefore report it back to the House, and recommend that it be so referred ; report received.

"A bill amending an act to incorporate the European and American Colonization Society," taken up, when

Mr. Price moved to amend, by adding "and for the character of the stock introduced." On motion the amendment was laid on the table.

On motion of Mr. Bee, the rule was suspended, and the bill passed to a 3d reading, rule further suspended, and bill passed by a vote of 57 yeas to 10 nays.

Mr. Bee offered the following resolution :

Resolved, That the Chief Clerk be authorized to employ such assistance as shall be required for the dispatch of business during the times of night sessions.

Mr. Evans of McL. proposed to amend by striking out Chief Clerk appoint, and insert "House elect."

Mr. McKinney proposed to amend by striking out "Chief Clerk appoint," and insert "Speaker appoint."

On motion of Mr. Rainey, laid on the table.

On motion of Mr. Reeves, the amendment proposed by Mr. Evans of McL. was laid on the table by a vote of 39 yeas to 30 nays.

Mr. Brown proposed the following as a substitute for the resolution and amendment :

Resolved, That the Speaker be authorized to appoint a competent person to assist the clerks, whenever he may deem it necessary to the dispatch of business, during the remainder of the session.

On motion of Mr. Murrah the resolution, amendment, and substitute for the amendment were laid on the table.

Mr. Henderson of C., offered the following resolution :

Resolved, That the Chief Clerk be instructed to issue certificates, *per diem*, to members for the days in attendance only, unless excused from indisposition.

Laid on the table by a vote of 42 yeas to 27 nays.

Mr. Upshaw offered the following resolution :

Resolved, That every member be allowed to set his name right on the journal at the end of the session, to suit his constituents.

On motion of Mr. Jennings, the resolution was postponed until the last day of the session.

A bill providing for a new trial in the case of the State of Texas vs. John Jackson, determined in the District Court of Sabine county ; question pending, when the bill was last before the House, viz : the indefinite postponement of the bill,

the same was put and House refused to postpone. The bill was then ordered to be engrossed.

Mr. Jennings moved to suspend the rule and pass the bill—lost.

A bill to incorporate Harmon University, taken up.

On motion postponed until Thursday next, 7th inst.

A Joint Resolution to change the Constitution so as to allow the sale of the School Lands, taken up, with report from the committee on Education, recommending a substitute.

Mr. Murrah offered the following amendment to the substitute :

Amend by striking out “under the direction of the Legislature,” and insert “under the direction of the county courts of each county to which the land belongs.”

On motion of Mr. Jennings the main question ordered.

The question being on the adoption of Mr. Murrah’s amendment, the same was put and amendment adopted.

The question then recurring on the engrossment of the original resolution, it was put and resolution ordered to be engrossed by a vote of 54 yeas to 11 nays.

On motion of Mr. Wood the House adjourned until Monday morning, 9½ o’clock.

AUSTIN, January 4th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of Saturday read and adopted.

On motion of Mr. Wood, the report of the committee on the claim of Thomas H. Mays was taken up and adopted.

PETITIONS.

Mr. Evans of McLennan presented the petition of J. A. Reavis ; referred to committee on Stock and Stock Raising.

Mr. Higgins presented the petition of David Holdeman ; referred to committee on Public Debt.

Mr. Kirk presented the memorial of Mary U. Watkins ; referred to committee on State Affairs.

Mr. Aycock presented the petition of sundry citizens of Freestone and Navarro counties ; referred to committee on Counties and County Boundaries.

Mr. Tait presented the memorial of John Suggs and others ; referred to committee on Stock and Stock Raising.

Mr. Wood, one of the Judiciary committee, reported as follows :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The Judiciary committee, to whom was referred the petition of sundry citizens, on the subject of eleven leagues, or conditional Mexican grants, praying for some action on the part of the Legislature to authorize proceedings to declare forfeitures in cases of such conditional grants, resolutions adopted by the House on the same subject and a bill for the relief of settlers upon eleven league claims, have carefully considered the subject, and beg leave to report to the House the accompanying bill as a substitute for the bill referred, and recommend its passage.

The committee admit that the subject is one of difficulty ; but they believe that the bill proposed is as free from difficulty as any that can be digested at this late day, which will at all subserve the objects prayed for in the numerous petitions addressed to this body, and at the same time carry into effect the imperative and positive injunction of the Constitution on this subject. The 4th section of the 13th article of the Constitution says :

“ All fines, penalties, forfeitures and escheats, which have accrued to the Republic of Texas, under the Constitution and Laws, shall accrue to the state of Texas, and the Legislature shall by law provide a method for determining what land may have been forfeited or escheated.”

By act of the Legislature, dated March, 20th, 1848, the requirements of this section of the Constitution as to escheated property, has been performed, but no mode has yet been pointed out by legislative enactment to determine what lands have been forfeited. On the face of the plain and positive requirements of the Constitution, this duty has not yet been discharged. Why it has not been performed ere this period it is not for the committee to say ; that its performance would have been much less difficult, at an earlier day, when interests were less mature and less complicated, cannot be doubted ; that it would have been much better for the interests of the State and the people at large, had earlier legislation been had, under the Constitution, in regard to forfeitures, the committee do not doubt ; but even after so long a lapse of time, the committee believe that action in the premises is imperatively de-

manded by considerations of the highest interest—the progress and prosperity of the State and justice to a large class of citizens.

A large portion of the most fertile districts of our State are covered by these conditional or Mexican titles. These lands were granted upon certain conditions. Upon the failure of the grantee to perform these conditions, the Government had a right to reserve the grant; or, in other words, to declare a forfeiture of the title. It is known as a matter of history, that not one in twenty of these titles were perfected by the performance of the conditions upon which they were granted. This fact being notoriously known at the date of the declaration of Independence, these eleven league, or conditional grants, were looked upon as being entirely void, and not entitled to the least consideration. Not only was this view taken of these titles by the mass of the people, but the Government and legal authorities so viewed them, as is evidenced by the issuance of patents upon headright surveys and locations upon the eleven league grants.

This action on the part of the Government, coupled with the knowledge of the early settlers as to the worthless character of these conditional titles, induced hundreds to locate upon and improve these lands. Gradually, by dint of bold pretensions, annoyance, threats of law suits, the decisions of courts in the absence of legislative action under the Constitution in reference to such grants, they have been gaining strength, and now rear their heads with a vigor and power that threatens to drive from his home the old defender of the country and soil, in times that tried men's souls, that the land shark and speculator may reap their harvest of gain.

It is high time for the State to determine whether it will attempt to protect the actual settler and locator, and in some instances its own patentee, or whether the owners of these conditional grants shall hold thousands upon thousands of the fairest and most fertile portion of our soil, for which they have not paid any consideration in money, or services rendered the country in her hour of darkest trial; or, in other words, upon conditions which they have never performed, or attempted to perform.

The uncertainty that clouds the title to a large portion of the best soil in our State, prevents those from buying it who would improve it, and bring it into condition to yield revenue to the State, and add materially to the interest of society in

every sense ; which drives from our limits thousands who would otherwise come amongst us and add to the general wealth, fearing their industry and means should be swept away.

The evil is a crying one and demands the speediest remedy. Texas is an agricultural State. Her wealth and material progress depend on her cultivated acres ; and the number of those acres depend most essentially upon the fact that an unclouded certain title to them can be obtained. Many persons have located and settled upon these grants, without any knowledge of their existence ; others have done so under the belief, from the action of the Government and the statement of the early settlers, that the condition upon which the land was granted was never complied with. It is now time that the State should determine whether it will extend any protection to this class of citizens. They have been led to believe that the original grants were void, and that the Government would, at least, institute proceedings to ascertain this fact, or would authorize them to contest their validity. This has been the promise ; but so far it has been a promise to the ear only to be broken to the hope. Indeed, this hope has had higher sanction than being founded in a mere promise. It has been incorporated into the Constitution of the State in the form of a positive command to the legislators of the people. Will they perform this duty ? It is now for the Legislature, with a full sense of duty to the Constitution, the highest and best interests of the State, and justice to a large class of citizens, to say whether it will or not ?

Report received and bill read first time.

On motion of Mr. Kittrell, one hundred copies of the bill ordered to be printed.

Mr. Wælder, chairman of the committee on Indians Affairs, made the following report on the Governor's message, relative to depredations committed by Kickapoo Indians :

HON. M. F. LOCKE,

Speaker pro. tem. of the House of Representatives :

The committee on Indian Affairs, to whom was referred the special message of His Excellency the Governor, upon the subject of depredations committed in this State by Kickapoo Indians, have given the subject their consideration and report as follows :

It appears from the letter of the Supervising Agent of the

Texas Indians, accompanying the Message, that depredations have recently been committed by Indians located north of our State lines ; that said Indians are now, or were at the date of the letter (Dec. 3, 1857,) within the limits of the State, defying the authorities, and that the officers commanding the troops of the United States in the section where these depredations have been committed, "do not feel authorized to use force, even if the force on the frontier was sufficient, which it is not."

This is not the first complaint of the same kind. Attacks have heretofore frequently been made on the lives of our citizens ; their property has been stolen and destroyed and their homes are rendered insecure.

Whether the marauding bands of Indians, of whom these complaints are made, are those located within the State or out of it, it is alike the duty of the Federal Government to furnish protection to our citizens against their assaults.

While your committee would not charge a neglect of duty to the federal Government, they cannot discharge their duty without calling attention to the fact, that the policy at present pursued is not calculated to remedy an evil, which is daily becoming more intolerable. Troops are stationed at various points for the protection, as it is said, of our frontier against Indian incursions. It must be admitted—and those of our citizens, who reside in the exposed sections, know but too well, that the troops thus furnished are wholly inadequate to give the protection intended. They are, for the greater part, composed of infantry. This arm of the army is not calculated to follow and chastise the Indian upon his fleet horse. The Indian is acquainted with the country over which he roams ; he is skilled in the use of arms ; his habits are his own ; many of the officers as well as soldiers of the U. S. army are ignorant of the habits of the red man ; they are unacquainted with the country. Whatever military science, whatever the strategy of war might accomplish against a civilized foe, fighting in an open field against the Indian they are of no avail. Against him a warfare must be adopted, which cannot be learned at West Point or in the best works on the science of war.

The soldier who would combat with the savage must know something of his habits ; he should be acquainted with his haunts ; at least he should understand his character. This knowledge can only be acquired by long experience, and while

the regular army are as likely as other men to acquire the knowledge necessary to enable them to carry on war against the Indian, it is well known that officers of the army are frequently removed to other sections of the country, before they have had an opportunity to acquire this knowledge or experience. The common soldier serves out his enlistment and is discharged, to be replaced by a raw recruit, who is not only totally ignorant of everything that would constitute him a good Indian fighter, but he is also very often unacquainted with the use of arms, and unskilled in horsemanship.

If these premises are correct—and your committee believe they are—then a force of cavalry would ever fail to give protection. When it is considered, however, that most of the troops stationed here belong to the corps of infantry, it must be evident that they are not only unable, but totally unfit for the service for which they are sent out and intended. This kind of troops, moving with their long trains of baggage wagons, can scarcely be expected to accomplish any good against the mounted Indian. Their movements are too slow, whatever their skill may otherwise be. Your committee do not intend by these remarks to speak lightly of the army, its officers and men. But they allude to these facts to point out the inadequacy of and the defect in the system pursued.

We believe, too, that the General Government needs but to be fully informed of the defects in the organization of our frontier protection, in order to have a proper remedy applied. In this connection the committee cannot but hope that the action of the present Legislature, calling upon the Federal Government to raise for its service, a mounted regiment, to be selected from those men of our own State, who possess the knowledge and experience necessary to fit them for service against the Indians, will be favorably considered at Washington, and that the recommendation thus made will receive the sanction of that Government.

Your committee have somewhat digressed from the subject of the message. They, however, deemed this a proper occasion to call attention to the general system of frontier protection and its defects. They do not, therefore, offer any apology for the digression.

The Governor's Message informs us that that functionary has already communicated to the General commanding this military department, the facts which have come to his knowledge in regard to late depredations. It is trusted that Gene-

ral Twiggs is invested with sufficient authority to act in the premises. If so, your committee feel convinced, that this distinguished officer of the army will do all in his power to prevent a recurrence of similar incursions in the future.

Your committee have already said, what is indeed, generally known, that it is the duty of the General Government to protect our citizens against Indians. It would seem to follow, as a necessary consequence, that "our citizens have a just claim on that government for indemnity" for losses sustained in these and other depredations committed by the Indians herein before referred to.

In view of this, your committee have prepared the accompanying joint resolutions, and respectfully recommend their passage.

JACOB WÆLDER,
Chairman.

On motion of Mr. Wælder, the rule was suspended, and the report and resolutions taken up; report adopted, and resolutions read first and second times and ordered to be engrossed; rule further suspended, read third time and passed.

BILLS AND RESOLUTIONS.

Mr. Evans of McLennan introduced a bill to amend the 3d section of an act to dispense with the necessity of protesting negotiable instruments for dishonor, &c., passed January 25th, 1840; read first and second times and referred to Judiciary committee.

Mr. Smith of Orange introduced a bill to create the county of Hardin; read first and second times and referred to committee on Counties and County Boundaries.

Mr. Aycock introduced a bill to provide a mode for assessing lands, &c.; read first and second times and referred to special committee on Tax Laws.

Mr. Burnett offered the following resolution :

WHEREAS, The banking system having proved ruinous, and a curse instead of a blessing in our sister States, and Texas having done well enough without banks, and there being a sufficient specie basis in the country to supply the demands of business, if put in circulation; and, whereas, the subject is likely to consume much of the time of the present session of the Legislature in useless debate. Therefore, be it

Resolved by the House of Representatives, That it is unwise

and inexpedient to discuss the subject before this body at its present session.

Referred to committee on the Judiciary.

Mr. Brown offered the following resolution :

Resolved, (the Senate concurring,) That the committees of the two houses on Counties and County Boundaries be authorized to hold joint sessions, for the consideration of measures referred to either of said committees. Adopted.

On motion of Mr. Norton, Mr. Bishop was added to committee on Internal Improvements.

On motion of Mr. Evans of McLennan, Mr. Aycock was added to committee on Tax Laws.

Mr. Buckley introduced a bill to authorize C. B. Stewart to apply and convey property in trust to certain uses ; read first and second times and referred to Judiciary committee.

Also, a bill to amend an act to define the first Judicial District, and to fix the time of holding courts therein ; read first and second times and ordered to be engrossed ; rule suspended, read third time and passed.

Mr. Evans of McLennan introduced a bill to incorporate Bosque Female Institute and Male College ; read first and second times and referred to the committee on Education.

Mr. Henderson of Harris introduced a bill to allow the Commissioner of the General Land Office to authorize the relocation of any lands he may determine to be surveyed without the limits of the State and in the United States Indian Territory ; read first and second times and referred to committee on Public Lands.

Mr. Dalrymple introduced a bill for the relief of the heirs of Peter Allen, dec'd ; read first and second times and referred to committee on Private Land Claims.

On motion of Mr. Ross, the following Senate's bills were taken up, read first and second times, and referred as marked :

A bill to amend an act to adopt and establish a Penal Code for the State of Texas, approved 28th of August, 1856 ; referred to Judiciary committee, and one hundred copies ordered to be printed.

A bill to remove the disabilities of minority from Wm. W. Gordon and Drury C. McGee, and declare them of lawful age ; referred to committee on State Affairs.

A bill for the relief of the heirs of Buford Garrett ; referred to committee on Private Land Claims.

A bill to incorporate the Preachers' Aid Society of Eastern Texas Conference ; passed to a third reading.

A bill to amend the 1st section of an act to create the county of Palo Pinto ; referred to committee on Counties and County Boundaries.

A bill to amend the first section of an act to create the county of Jack ; referred to committee on Counties and County Boundaries.

Mr. Dennis introduced a bill to incorporate Matagorda ; read first and second times and referred to committee on State Affairs.

The Speaker announced Messrs. Munson, Lloyd, and McKinney of Travis, a joint committee to act with a like committee on the part of the Senate, to examine as to the number of and necessity for employees of the Departments of the State Government.

Also, Messrs. Holland, Evan of McLennan, and Lacy, a committee in conformity to a Senate resolution appointing a committee on Public Grounds, and to act with Senate committee for the same purpose.

Mr. Ward, one of the committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval, a bill to require forced sales of negroes and real estate, made by executors or administrators, to be made at the door of the Casimir House in Indianola.

The hour having arrived, the special order of the day, viz : the Court of Claims bill, with a report from Judiciary committee upon same, recommending amendments, taken up, and report adopted.

Mr. McKinney of Travis, proposed to amend the bill by striking out "1859," and inserting "1858," in fourth line of first section.

Mr. Evans of McLennan offered a substitute for the entire bill, which, on motion of Mr. Henderson of Harris, was laid on the table by the following vote :

YEAS—Messrs. Aycock, Barnard, Bee, Burks, Carroll, Craig, Crook, Dennis, Edwards, Evans of Austin, Everett, Fisher, French, Hardin, Harris of Guadalupe, Hart, Haynes of Washington, Henderson of Harris, Higgins, Jennings, Johnson, Kinney, Lacy, Latham, Lee, Lesueur, Lewter, Locke, Merriman, Munson, Powell, Ross, Runnels, Scott, Shelton, Smith of Fannin, Tait, Upshaw and Wood—39.

NAYS—Messrs. Bishop, Burnett, Chilton, Clow, Evans of

McLennan, Gaston, Harris of Titus, Harrison, Haynes of Starr, Henderson of Cass, Hicks, Holland, Howerton, Kirk, Kittrell, Lloyd, McKenney of Hopkins, McKinney of Travis, Murrah, Navarro, Norton, Poag, Price, Rainey, Reeves, Rhodes, Roberts, Shannon, Smith of Orange, Walling, Ward, Waterhouse and Witt—33.

Mr. Chilton moved to strike out the enacting clause of the bill.

On motion, the House adjourned until 3 o'clock, P. M.—pending, the motion of Mr. Chilton to strike out the enacting clause of the bill.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The question pending on adjournment, was Mr. Chilton's motion to strike out the enacting clause of a bill to be entitled an act supplementary to and amendatory of an act to ascertain the legal claims for money and lands against the State, passed August 1st, 1856. The yeas and nays having been demanded, the same were called and the House refused to strike out by the following vote :

YEAS—Messrs. Bishop, Buckley, Chilton, Clow, Dalrymple, Evans of McLennan, Harris of Titus, Haynes of Starr, Henderson of Cass, Hicks, Holland, Howerton, Lloyd, McKenney of Hopkins, McKinney of Travis, Navarro, Poag, Price, Rainey, Reeves, Rhodes, Shannon, Smith of Fannin, Smith of Orange, Walling, Waterhouse and Witt—27.

NAYS—Messrs. Aycock, Barnard, Brown, Burks, Carrol, Cooley, Craig, Crook, Dennis, Doom, Edwards, Evans of Austin, Everett, Fisher, French, Gaston, Hardeman, Harris of Guadalupe, Harrison, Hart, Haynes of Washington, Henderson of Harris, Higgins, Jennings, Johnson, Kirk, Kittrell, Lacey, Lee, Latham, Lesueur, Lewter, Locke, Mills, Munson, Murrah, Norton, Powell, Roberts, Ross, Rannels, Scott, Tait, Upshaw, Wælder and Wood—47.

Mr. Doom offered the following amendment to the 10th Section of the bill, 7th line, "or to take the receipt of the Post Master of the county that he has so made his report."

Mr. Shannon offered "a substitute" for the bill.

Mr. Henderson of Harris, moved to lay the substitute on the table.

On motion of Mr. Chilton, a call of the House was ordered.

On motion of Mr. Aycock, the Sergeant-at-arms was dispatched after absentees.

On motion of Mr. Dennis, the call was suspended.

The question being on laying the substitute offered by Mr. Shannon on the table, the yeas and nays were demanded and stood thus :

YEAS—Messrs. Aycock, Barnard, Bee, Brown, Burks, Carrol, Cooley, Craig, Crook, Dennis, Doom, Edwards, Evans of Austin, Everett, Fisher, French, Hardin, Hart, Haynes of Washington, Henderson of Harris, Jennings, Johnson, Joseph, Kirk, Kittrell, Lacey, Latham, Lewter, Merriman, Munson, Murrah, Norton, Powell, Rainey, Ross, Runnels, Scott, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Ward and Wood—44.

NAYS—Messrs. Bishop, Buckley, Burnett, Chilton, Clow, Dalrymple Evans of McLennan, Gaston, Hall, Harris, of Guadalupe, Harris of Titus, Harrison, Haynes of Starr, Henderson of Cass, Hicks, Higgins, Holland, Howerton, Lee, Lesueur, Locke, Lloyd, McKenney of Hopkins, McKinney of Travis, Navarro, Poag, Price, Reeves, Rhodes, Roberts, Shannon, Smith of Orange, Walling, Waterhouse and Witt—35.

The question then recurring on the adoption of Mr. Doom's amendment, the same was put, and the House refused to adopt the same.

Mr. Rainey moved to amend as follows ; " That the duties as defined in the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th and 11th Sections, shall be performed by the Comptroller."

On motion of Mr. Henderson of Harris, the amendment was laid on the table by the following vote :

YEAS—Messrs. Barnard, Brown, Burks, Carrol, Cooley, Craig, Crook, Dennis, Doom, Edwards, Everett, Fisher, French, Hall, Hardeman, Hardin, Harris of Guadalupe, Hart, Haynes of Washington, Henderson of Harris, Jennings, Joseph, Kittrell, Latham, Lesueur, Locke, Merriman, Mills, Murrah, Norton, Powell, Roberts, Ross, Runnels, Scott, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Ward, and Wood—42.

NAYS—Messrs. Bee, Bishop, Buckley, Burnett, Chilton, Clow, Evans of McLennan, Gaston, Harris of Titus, Harrison, Haynes of Starr, Henderson of Cass, Holland, Howerton, Kirk, Lee, Lloyd, McKenney of Hopkins, McKinney of Travis, Navarro, Price, Rainey, Reeves, Rhodes, Shannon, Smith of Orange, Walling, Waterhouse and Witt—29.

Mr. Murrah offered the following amendment :

SEC. — That the business of said office shall be conducted as nearly as is consistent with its organization, and pursuing in the same manner as the business of the General Land Office, and to this end the Commissioner shall act upon claims in the order in which they may reach his office ; he shall correspond with and fully inform the applicants as to their business in his Court ; he shall cross all interrogatories filed in his Court, and cross examine all witnesses, and shall dispose of interrogatories when crossed as directed by the person filing the same. He shall when applications are made for an unlocated balance of a land certificate or for any other purpose whatever, he may require a certificate or any other information from the General Land Office, correspond with and obtain the information required from that office. This Section shall be construed so as to secure the objects for which it is framed, viz : To relieve persons having business in said Court from employing agents or attorneys to conduct the routine of business incident to their application.

SEC. — If the duties imposed upon the Commissioner by the next preceding Section of this act shall require the aid of an additional Clerk, it shall be his duty to make the same known to the Governor, whose duty it shall be to employ or appoint such Clerk, whose salary shall not exceed \$1000.

SEC. — That all the postage incident to the correspondence of said Court shall, like that of the General Land Office, be paid by the State and under the same regulations ; adopted.

Mr. Rainey offered the following amendment :

Amend by inserting as Section 1st, the following : “ That the Commissioner of Claims shall deliver to the Comptroller all the books, papers and archives, in and belonging to the office of Commissioner of Claims, and the same shall become a part of the archives of the Comptroller’s Office, and the Comptroller shall perform all the duties appertaining to the present Commissioner of Claims, except those embraced in the 4th Section of said bill.”

On motion of Mr. Everett, laid on the table by the following vote :

YEAS—Messrs. Aycock, Burks, Carroll, Cooley, Craig, Crook, Dennis, Edwards, Everett, Fisher, French, Hardeman, Hardin, Harris of Guadalupe, Hart, Haynes of Washington, Henderson of Harris, Higgins, Jennings, Joseph, Kirk, Kittrell, Latham, Lesueur, Lewter, Locke, Merriman, Munson, Murrah,

Norton, Roberts, Ross, Runnels, Scott, Shelton, Smith of Fannin, Tait Upshaw, Wælder, Ward and Wood—41.

NAYS—Messrs Bee, Bishop, Buckley, Burnett, Chilton, Clow, Dalrymple, Doom, Evans of McLennan, Gaston, Hall, Harris of Titus, Haynes of Starr, Henderson of Cass, Hicks, Holland, Howerton, Lacey, Lee, Lloyd, McKenney of Hopkins, McKinney of Travis, Navarro, Price, Rainey, Reeves, Rhodes, Shannon, Smith of Orange, Walling, Waterhouse, and Witt.—32.

Mr. Ross, moved to strike out the word “March,” in the 10th Section, 1st line, and insert “May”—adopted.

Mr. Bee moved to amend as follows :

“Any person entitled to a headright under the Constitution and Laws of the Republic or State of Texas, who has not heretofore received a certificate therefor (or his heirs in case he be dead) may apply by petition in writing to the District Court of the county in which he resides for the issuance of a certificate to which he may be entitled, which shall be granted by such Court upon such proof as would have authorized its issuance by any officer, Board or Court of the Republic or State of Texas under the laws in force at any time previous to the passage of this act ; provided that no certificate shall issue to an assignee ; also, provided, that the courts shall be closed for this species of claims on the 1st October, 1859.”

On motion of Mr. Jennings, laid on the table by the following vote :

YEAS—Messrs. Barnard, Brown, Burks, Carroll, Clow, Craig, Crook, Dennis, Doom, Edwards, Everett, Fisher, French, Gaston, Hardeman, Hardin, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Harris, Hicks, Higgins, Holland, Jennings, Joseph, Kirk, Kittrell, Lacey, Latham, Lee, Lesueur, Lewter, Locke, Lloyd, McKinney of Travis, Merriman, Munson, Murrah, Norton, Poag, Powell, Price, Rainey, Roberts, Ross, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Tait, Upshaw, Walling, Ward, Waterhouse, and Wood—58.

NAYS—Messrs. Aycock, Bee, Bishop, Buckley, Burnett, Chilton, Cooley, Evans of McLennan, Hall, Harris of Guadalupe, Haynes of Starr, Howerton, Kinney, McKenney of Hopkins, Navarro, Reeves, Rhodes, Smith of Orange and Wælder.—19.

On motion of Mr. Everett, the previous question was ordered.

Mr. Chilton, made the following point of order, viz : That

a call of the House had been called for upon the motion for the previous question.

The Chair decided the point of order out of order.

Mr. Chilton appealed from the decision of the Chair—the question being on sustaining the Chair, the same was put and the Chair was sustained.

The question being on the passage of the bill to a third reading, the same was put and carried by the following vote :

YEAS—Messrs. Aycock, Barnard, Brown, Burks, Carroll, Chilton, Cooley, Craig, Crook, Dennis, Edwards, Everett, Fisher, French, Hardeman, Hardin, Harris of Guadalupe, Harrison, Hart, Haynes of Washington, Henderson of Harris, Higgins, Jennings, Joseph, Kittrell, Lacey, Latham, Lesueur, Lewter, Locke, Merriman, Munson, Murrah, Norton, Roberts, Ross, Runnels, Scott, Shelton, Tait, Upshaw, Wælder, Ward and Wood—44.

NAYS—Messrs. Bee, Bishop, Buckley, Burnett, Clow, Dalrymple, Doom, Evans of McLennan, Gaston, Hall, Harris of Titus, Haynes of Starr, Henderson of Cass, Hicks, Holland, Howerton, Kinney, Kirk, Lee, Lloyd, McKenney of Hopkins, McKinney of Travis, Navarro, Powell, Price, Rainey, Reeves, Rhodes, Shannon, Smith of Fannin, Smith of Orange, Walling, Waterhouse and Witt—34.

Mr. Ward moved to reconsider the vote just taken.

On motion of Mr. Chilton, a call of the House was ordered.

On motion of Mr. Bee, the call was suspended.

Mr. Burnett moved to adjourn until 7 o'clock, P. M.—Lost.

On motion of Mr. Burnett, the House adjourned until tomorrow morning at 9½ o'clock.

AUSTIN, January 5th, 1858.

House met pursuant to adjournment—roll called, quorum present. Journal of yesterday read and adopted.

PETITIONS.

Mr. Wælder presented a petition for the relief of the Company of Texas Volunteers, commanded by Capt. William Burbank; referred to committee on Military Affairs.

Mr. Henderson of H. presented petition of E. H. Hed; referred to committee on Claims and Accounts.

Mr. Dennis presented the petitions of Wm. and Joseph George, James Higgins, John Moore, heirs of Amos Thomas, heirs of Moses Higgins, J. W. George, Robert Loveland, and Wm. W. Montgomery ; all referred to committee on Private Land Claims.

Mr. Hardeman presented the petition of Henry B. King ; referred to committee on Private Land Claims.

Mr. Howerton presented the petition of Robert Hall ; referred to committee on Claims and Accounts.

Mr. Chance presented the petition of Albert A. Jordan ; referred to Judiciary committee.

Mr. Buckley presented the petition of John Smith ; referred to committee on Claims and Accounts.

Mr. Chance presented the petition of J. N. Hitchcock ; referred to committee on Public Lands.

Mr. Buckley presented the petition of S. M. Frost ; referred to committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, Chairman of the committee on Public Debt, reported, asking that the petition of David Holdeman, be referred to the committee on Claims and Accounts ; report adopted.

Mr. Brown, Chairman of the committee on County Boundaries, reported as follows :

Mr. Speaker—the committee on Counties and County Boundaries herewith return and recommend the passage of a Senate bill to amend the 1st section of an act to create the county of Palo Pinto ; report received.

Also reported as follows :

The committee on County Boundaries herewith return and recommend the passage of a Senate bill to amend the first section of an act to create the county of Jack ; report received.

Mr. Dalrymple, one of the committee on County Boundaries reported as follows :

The committee on County Boundaries have examined a bill to amend an act to create the county of Brown, readjusting the boundaries thereof, and instruct me to report it back and recommend its passage ; report received.

Mr. Bishop moved to suspend the rule, and take up the bill just reported—lost.

Mr. Clow, one of the committee on Engrossed bills, reported correctly engrossed, a joint resolution instructing our Senators

and requesting our Representatives in Congress on the subject of Indian spoliations.

Also reported correctly engrossed, a joint resolution proposing an amendment to the Constitution of the State ; report accepted.

Mr. Evans, Chairman on the part of the House, of the joint select committee on the Tax Law, made the following report:

COMMITTEE ROOM,
Austin, January 5th, 1858 }

To the Hon. President of the Senate, and

Speaker of the House of Representatives :

Your Joint Select Committee, to whom your honorable bodies have assigned the duty of examining into the propriety and necessity of amending our laws now in force, with a view of so amending the same as to provide a more efficient mode of compelling the payment of taxes upon all property, and especially real estate, situated in Texas have had the subject under consideration, and now ask permission to submit to you our action in the premises.

We ask leave to say, we have had the existing laws, and their practical operation and effect, under mature consideration, and unanimously agree that they are subject to many and serious objections, of a character that might well claim the early and efficient action of your bodies.

Your committee find, from authentic sources, that there are about 68,000,000 acres of land now held in our State by individuals, upon which taxes accrue and should be paid ; but from the same source they learn, that for the year just closed, the taxes were paid only on 46,000,000 acres. Thus leaving, in round numbers, 21,000,000 acres of land, that contribute not one cent to the Treasury. The average valuation of lands in this State as assessed is within a fraction of \$1 47 per acre. These facts show that we have \$30,000,000 of property, upon which not one cent of tax is collected.

This state of things, is the result, in the main, of the fact that every holder of real estate in the limits of the State of Texas can render the same for assessment in any county where interest or fancy may dictate. This being the fact, it is impossible for the officer charged with the duty, to determine what lands have, and what lands have not paid tax, for any specific year. Land holders in every instance, know this, and too often take advantage of their knowledge ; and whilst your

committee would cautiously avoid attacking the integrity of any man, yet duty compels us to say, that we find millions of acres of fertile soil, lying all over Texas, upon which the owners, (the greater part of whom we believe to be non-residents,) are wilfully and knowingly failing and refusing to pay taxes.

Your committee are equally well satisfied that a vast amount of land now paying taxes is doing so at ruinous rates. This state of things is brought about after this wise. Ours is an ad valorem system of taxation, and the amount of taxes raised is entirely dependent, not upon what lands taxes are paid, but in a great measure, upon the valuation at which the lands are owned. But it is a moral and physical impossibility for the assessors and collectors of the State to have any available knowledge of the actual or relative value of lands, which are in average instances, situated five hundred miles from the county where the taxes are assessed and collected. Thus, our system of taxation, in its operation, is a farce.

Your committee in their observation, have seen and heard of cases too numerous for relation, where the owners of real estate situated in distant counties; totally beyond the practical knowledge of the assessors and collectors of their own counties, have had the same assessed at less than one-fourth its real value. This remark will have full force when it is remembered that lands upon the waters of the Colorado pay taxes upon the banks of the Sabine, and vice versa.

Here the real estate owners find a wide gate open, through which to indirectly depredate upon the State Treasury, an opportunity which they too often improve.

The practical operation of existing laws is in spirit violative of the Constitution, because the same is not "uniform and equal."

It is the true policy of our institutions, embodied in our fundamental organic law, that the burdens of government should be borne equally, and those who are so fortunate as to own large tracts of the soil, should contribute to the State coffers in due proportion to their wealth and power.

These considerations, with many more of equal force, present a condition of things, that in the opinion of your committee, calls imperatively for prompt and efficient action on the part of your bodies. If we can institute a more thorough *regime* and bring to the State Treasury the tax upon \$30,000,000 of lands now not paying any tax at all, and about

\$25,000,000 more in the increase of valuation of soil upon which tax is now nominally paid, then our taxes can be lowered, and the warm gratulations of a tax-ridden people received.

We have endeavored to meet the most prominent objections named, and herewith present our labors in the form of a bill, the provisions of which, as a whole, we do sincerely hope will meet the approval of this body.

We may remark that ours has been a laborious task.

Our landed system is one of many peculiarities and intricacies, (well known to your bodies,) which render any system of taxation more or less defective, and we can only hope to approximate perfection by slow and steady advances.

We now ask your body to take an important step. Our work is, no doubt, imperfect, but we submit it, with a firm conviction, that its adoption would meet the approval of the people of the State.

It may be proper to remark, that in our deliberations we have had the practical aid of that efficient officer, the Comptroller of public accounts, as well as many valuable suggestions from members of clear head and practical judgment, in our respective bodies.

ANDREW J. EVANS,
Chairman on part of the House.

GIDEON SMITH,

G. R. REEVES.

J. LEWTER,

E. T. MERRIMAN.

J. L. HAYNES.

On motion of Mr. Evans, the rule was suspended, bill taken up and made the special order of the day for Wednesday the 13th of January.

Mr. Ward, Chairman of the committee on Enrolled bills, reported correctly enrolled, properly signed, and this day presented to the Governor for his approval,

An Act to incorporate the town of Bonham.

An act to repeal a portion of the act of February 10th, 1852, entitled an act in relation to lands in Peters' Colony.

An act to regulate the pay of Grand and Petit Jurors in the county of Smith.

An act to authorize the Commissioner of the General Land Office to cancel patent No. 815, vol. 8.

Mr. Aycock introduced a bill to be entitled an act to require the directors of Railroad Companies to publish their proceedings ; read 1st and 2d times, and referred to committee on Internal Improvements

Mr. Munson introduced a bill supplemental and amendatory of an act approved January 28th, 1856, to authorize and require the county court of Brazoria county, to establish, discontinue and regulate public and private roads in said county, and cause public roads and bridges to be constructed and kept in good repair ; read 1st and 2d times, and referred to the committee on Roads, Bridges and Ferries.

Mr. Upshaw offered the following resolution :

Resolved, that an alphabetical rule, the same as adopted at the last session of the Legislature, authorizing members to call up bills, be adopted by this body, and shall take effect from and after this day, and be in use only in our evening sessions ; laid on the table one day for consideration.

Mr. Hart one of a special committee, reported as follows :

The committee to whom was referred a resolution in relation to Mustang Chases, West of San Antonio, have had the same under consideration, and have come to the conclusion that said law has not met the expectations of those for whose benefit it was passed, and as it is a great benefit to have the mustangs destroyed from among the tame stock as soon as possible, we would recommend the repeal of all laws on that subject, so that the desired object may be obtained. We therefore submit the accompanying bill and recommend its passage ; report received.

Mr. Carroll introduced a joint resolution relative to establishing a horse line of mail coaches between Tyler and Waco ; read 1st and second times and ordered to be engrossed, rule suspended, read third time and passed.

Mr. Dennis offered the following resolution :

Resolved, That the use of the Hall of the House of Representatives be tendered to the delegates to the Democratic State Convention, to be held in this city on Friday 8th inst., whenever this House may not be in session ; adopted.

Mr. Edwards offered the following resolution :

Resolved, That the committee on Federal Relations be instructed to report immediately upon a bill that was referred to them relative to Kansas Affairs ; referred to committee on Federal Relations.

Mr. McKinney of Travis moved to suspend the rule and

take up a bill relative to the Court of Claims, whereupon the yeas and nays were demanded, and the House refused to take up the bill by the following vote :

YEAS—Messrs. Aycock, Brown, Burks, Carrol, Cooley, Craig, Crook, Dennis, Edwards, Evans of A., Everett, Fisher, French, Gaston, Hardeman, Hardin, Harris of G., Harrison, Hart, Haynes of W., Henderson of H., Higgins, Jennings, Johnson, Joseph, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Locke, Merriman, Mills, Navarro; Norton, Powell, Price, Roberts, Rogers, Ross, Rurnels, Scott, Shelton, Smith of F., Smith of O., Upshaw, Wælder and Ward—49.

NAYS—Messrs. Barnard, Bee, Bishop, Buckley, Burnett, Chance, Chilton, Clow, Dalrymple, Doom, Evans of McL., Hall, Harris of T., Haynes of S., Henderson of C., Hicks, Holland, Howerton, Kinney, Lee, Lloyd, McKenney of H., Munson, Rainey, Reeves, Rhodes, Shannon, Tait, Walling, Waterhouse and Witt—31.

On motion, Mr. Evans of McL. was added to the committee on Federal Relations.

ORDERS OF THE DAY.

Mr. Bee's resolution relative to a call of the House, and the rule thereon, was taken up, and on motion withdrawn by Mr. Bee.

Mr. Wælder offered the resolution again.

Mr. Brown made the following point of order, viz : that the same resolution could not again be offered to the consideration of the House without a suspension of the rule. The Chair sustained the point.

The hour having arrived, the special order, viz : a substitute reported by the Judiciary committee for a bill to secure a fair and impartial prosecution and trial in criminal cases, under certain circumstances, taken up.

Mr. Lesueur moved the indefinite postponement of the whole matter.

Mr. Howerton moved to adjourn until 3 o'clock, P. M.—lost.

Mr. Ward, Chairman of the committee on Enrolled bills, reported correctly enrolled,

An act for the relief of the heirs of Jesse Boykin, deceased, and also,

An act to incorporate the West Fork Mill Company ; report accepted.

Mr. Clow, one of the committee on Engrossed bills, reported correctly engrossed,

A bill to be entitled an act for the relief of George W. Newcome.

A bill to be entitled an act to define the 1st Judicial District, and to fix the time for holding the district courts therein.

A bill to provide for a new trial in the case of the State of Texas, vs. John Jackson, and

A joint resolution to establish a line of mail coaches between Tyler and Waco; report accepted.

On motion of Mr. Wælder the House adjourned until 7 o'clock, P. M., by a vote of 54 yeas to 20 nays.

Pending—Mr. Lesueur's motion to indefinitely postpone the bill.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Question pending when the House adjourned, viz: Mr. Lesueur's motion to indefinitely postpone the bill and substitute from the Judiciary committee for a bill to provide a fair and impartial trial and prosecution in criminal cases, under certain circumstances, taken up.

On motion of Mr. Ward the main question was ordered, which being Mr. Lesueur's motion to indefinitely postpone the same, was put and carried by the following vote:

YEAS—Messrs. Barnard, Bishop, Brown, Burks, Burnett, Carroll, Chance, Collier, Crook, Dalrymple, Doom, Edwards, Fisher, Gaston, Hardeman, Harris of T., Harrison, Hart, Haynes of W., Henderson of C., Henderson of H., Hicks, Kirk, Lee, Lesueur, Lewter, Locke, Lloyd, McKinney of T., Munson, Norton, Poag, Price, Reeves, Rhodes, Roberts, Scott, Shannon, Shelton, Smith of O., Tait, Walling, Ward and Waterhouse—44.

NAYS—Messrs. Aycock, Bee, Chilton, Cleveland, Clow, Cooley, Craig, Dennis, Everett, French, Hall, Hardin, Harris of G., Haynes of S., Howerton, Jennings, Johnson, Joseph, Kinney, Lacy, Latham, McKinney of H., Merriman, Mills, Navarro, Rainey, Ross, Runnels, Smith of F., Upshaw and Wælder—31.

Mr. Hicks moved to reconsider the vote just taken.

Mr. Wælder moved to postpone the motion to re-consider until Thursday next.

Mr. Henderson of H. moved to lay the motion to postpone upon the table—the yeas and nays were demanded.

On motion of Mr. Bee a call of the House was ordered.

Mr. Roberts moved to suspend the call—lost.

On motion the House adjourned until half-past nine o'clock to-morrow.

Pending—Mr. Wælder's motion to postpone until Thursday next.

Mr. Hick's motion to re-consider the vote indefinitely postponing the Cart War Bill.

AUSTIN, January 6th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

On motion of Mr. Witt, the door-keeper was excused until to-morrow evening.

PETITIONS.

Mr. Collier presented the petition of Ellington Dickey ; referred to the committee on Private Land Claims.

Mr. Higgins presented the petition of James E. Brady ; referred to committee on Claims and Accounts.

Also, the petition of John Hearn ; referred to committee on Claims and Accounts.

Mr. Aycock presented the petition of Elmira Wilcox ; referred to committee on Private Land Claims.

Mr. Kittrell presented the petition of Wm. Hobson ; referred to committee on Claims and Accounts.

Mr. Lee presented the petition of Thomas W. Ward ; referred to committee on the Judiciary.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, one of the Judiciary committee, made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on the Judiciary, to whom was referred the memorial of sundry planters of Fort Bend county, praying the passage of a law upon the subject of tare upon cotton, &c.,

have had the same under consideration, and after due deliberation thereon, and believing that the grievance complained of, to wit : the arbitrary deduction of one per cent. from the weight of all cotton exhibited for sale, or disposition in this State, in addition to the two pounds allowed upon each bale by the weigher in order to give down weight, is well founded, and from evidence satisfactory to them, they unhesitatingly assert that such a tax is not imposed upon the cotton grower in any other State, or market in the United States, except Texas ; that the tax itself is unjust and oppressive and ought to be abrogated.

Therefore I am instructed to report the accompanying bills and recommend their passage Report received and bills read time.

Mr. Price, one of the Judiciary committee made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on the Judiciary, to whom was referred the Senate's bill entitled " an act to extend the jurisdiction of the District court of Cameron county over the county of Hidalgo," have had the same under consideration, and after mature deliberation instruct me to report, that they deem the proposed " act" incompatible with the constitutional rights guaranteed to, and enjoyed by the citizens of Hidalgo county.

The 6th section of the 4th art, of the Constitution of the State, provides that District Judges shall be elected who shall hold their courts at one place in each county, at least twice in each year.

Your committee do not believe that the jurisdiction of the District Court, can under the Constitution, be transferred from one county to another, or be relinquished by one county in favor of another, unless it be by a change of venue provided for by the Constitution and laws of this State, without virtually disorganizing the county, which in this case we are not called on to do. It is not believed that even a majority of the citizens of an organized county could destroy or annihilate its separate and independent political existence, by signifying their willingness to be transferred to another jurisdiction, and much less would such be the case, where no such desire has been manifested. Every citizen of such county is, by the provisions of the Constitution, invested with independent and inalienable rights as regards their persons and property.—rights

which may not, under any circumstances, be disregarded or transferred without their consent. If the contrary doctrine were tenable, their jurisdiction of their rights, civil and criminal, might be transferred, *ad libitum*, from one county to another, even to the most remote in the State, and that too at the sacrifice of those safeguards hitherto considered as the ægis of protection offered by the Constitution and the laws to the citizen.

The committee therefore instruct me to report the bill back to this house, and recommend its rejection ; all of which is respectfully submitted ; report received.

Mr. Mills one of the Judiciary committee made the following report :

HON. M. F. LOCKE,

Speaker pro tem, of the House of Representatives :

The Judiciary Committee, to whom was referred the memorial of Thomas Hoskins, a citizen of Caldwell county, praying to be restored to his rights of citizenship, have instructed me to report favorably to the petitioner. It appears also, that about five years ago, Hoskins was betrayed into an unfortunate rencontre with * * * Steiner, which occurred in the town of Lockhart ; that up to the time of the collision they had been friends, that * * * Steiner, without any apparent provocation, levelled and snapped a shot gun at Hoskins, known to be loaded ; that Steiner had, it is strongly supposed, espoused the side of one Samuel Wilson, with whom Hoskins on the same day anticipated a collision ; that at, or about the time that Steiner presented for fire the shot gun at Hoskins, the latter fired with his pistol and killed Steiner ; that Hoskins, after the excitement was somewhat abated, surrendered himself to the authorities, was tried, and solely on the evidence of the deceased's relatives, convicted and sentenced to four years service in the State Penitentiary, which he served, and then returned to the county of his residence, where he found himself still enjoying the respect and confidence of the people. Your committee further find the memorialist to be an excellent citizen, and well deserving the prayer he makes—not on account of himself, for he is now growing old, but his children. They further find that honorable mention of Hoskins' name may be found on the military rolls of the country.

The committee at the first blush had some embarrassment in

coming to a satisfactory conclusion, but upon reflection, think that there is more apparent than real difficulty in this case. The fourth section of the seventh article of the Constitution, contains, in part, this provision: "*Laws shall be made to exclude from office, serving on juries, and from the rights of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes.*" We think the words "or other high crimes," was intended, by the Constitution to mean crimes of the same infamous character, as bribery, forgery, or perjury; or, as the Constitution of Virginia has it, the right of suffrage shall not be exercised by any person "*convicted of any infamous offence.*" Nor is the grade of punishment affixed to an offence always definitive whether the act be a "high crime or not." "High crimes" at the time of the adoption of the Constitution, is the question, regardless of the punishment. At one time, one selling mortgaged property with intent to defeat the prior mortgage, was punished as for grand larceny, confinement in the State prison, and yet, who will say it is a high crime within the meaning of the Constitution? So also, formerly under our law the act of driving horses, cattle, or domestic animals of any kind not the property of the driver, from that section of the country West of the Guadalupe river to any other section of the Republic, was punished as a felony by imprisonment in the Penitentiary. Was this a high crime in the sense of perjury, bribery or forgery? These examples show that confinement in the Penitentiary does not always afford the same test. It is true that the act of 1846, extends the cases of offences which will destroy many civil rights—such as counterfeiting, larceny or other felony; but this does not deprive the Legislature of its power to except a given case out of the general rule. The act of 1846 enumerates larceny as a disabling offence, and yet petit larceny under our law is not punished with confinement in the State prison. We think, therefore, the offence intended under the words "or other high crimes" as murder, treason, burglary, &c., offences as high in their enormity as bribery, forgery or perjury, in their infamy, were contemplated by the Constitution, and not every offence which afterwards might be punished by confinement in the State prison.

Murder, at the time the Constitution went into force, Feb. 10th, 1846, was a deliberate killing, with malice aforethought—any other killing not amounting to murder, was manslaughter and this was not strictly a felony—"high crimes" in the Con-

stitution we think mean felonies and infamous offences—Hoskins was convicted in 1852, when we had grades of murder—these were not known to our law when the article of the Constitution was adopted—the offence was either murder or manslaughter, the same facts which constituted murder in the 2d degree then, of which he was convicted, would have amounted to manslaughter only. As subsequent legislation cannot rightfully extend these disabling offences to cases not strictly within the letter of the law, we think, that instrument intended, besides what are named felonies and other infamous offences amounting to high crimes as understood at the time of its adoption. With this single view of the case, aside from the meritorious character of the claimant, the committee recommend that his prayer be granted, and report the accompanying bill and ask its passage ; report received and bill read 1st time.

On motion of Mr. Brown the rule was suspended, report and bill taken up—report adopted, bill read 2d time and ordered to be engrossed ; rule further suspended, bill read 3d time and passed.

A message was received from the Senate announcing to the House the passage of the following bills :

A House bill to change the name of Taylorsville,

And the following bills originating in the Senate :

A bill for the relief of the Texas Western Railroad Company.

Joint Resolution impeaching J. C. Watrous.

A bill for the relief of Moody and Dohme.

A bill for the relief of Wm. J. Whiting.

A bill for the relief of A. T. Pickett of Dallas county.

A bill supplementary to an act to give to each corporate county in this State its own county Surveyor, map and records.

And a bill to ascertain what land certificates have been illegally issued by the county courts of counties in Peters Colony, and to provide for issuing patents on such of said certificates as are legal.

Mr. Murrah, one of the committee on the Judiciary, made the following report :

Hon. F. M. LOCKE,

Speaker pro. tem. of the House of Representatives :

The committee on the Judiciary, to whom was referred a bill to provide for a change of venue in the Courts of Justices

of the Peace, have considered the same, and report back a substitute and recommend its passage ; report received.

Mr. Kittrell, chairman of the committee on Education made the following report :

Hon F. M. LOCKE,

Speaker pro. tem. of the House of Representatives:

The committee on education to whom was referred so much of the Governor's Message and the various resolutions of inquiry which have been referred to the committee, as relate to the system of Common School Education, have carefully considered that subject, and have come to the conclusion that the system as adopted, has been gradually and silently dispensing its benefits throughout our State. The application of the law of the last session to the legitimate object of all common school systems of education, (namely,) the education of the indigent children of the State, has enabled it to effect much good. Any hindrances to the successful operation of the policy, your committee think it is justly attributable, not to any defect in the system, or policy itself, but to the laws that have from time to time been enacted, governing and giving direction to the same.

While we admit there is some cause to regret, that the two preceding laws establishing a system of common schools, have not fully answered public expectation, and from the unequal distribution of population and other causes, has proved unequal in its operations and benefit in different portions of the State, yet they do not believe it would be a wise or humane policy to abandon the system. We regard a common school system as an essential, indeed an indispensable part of any great educational plan which this or any other State may adopt. It is the cheapest and surest mode of affording to the children of the State, the means of elementary education, and of diffusing its blessings and advantages among the masses, whereby they may come to appreciate the blessings of civil and religious liberty, and those rights which characterize all free governments.

It is further believed, that from the rapidity with which our State is filling up, and the constant accession to the school fund from the increase of Taxes, and the various other means which the liberality of the Legislature has provided, will constantly obviate existing objections to the present law, and will

cause the common school system to operate more equally and justly, until the benefits are felt alike all over our State.

Your committee flatter themselves that they have been enabled, from a mature consideration of the law of last session, and their observation and knowledge of its practical workings, to present such amendments as will simplify that law and make it more practical and useful in its operation. They have therefore instructed me to report the accompanying supplementary and amendatory act, and recommend its passage ; report received, and on motion of Mr. Kittrell, made a special order for January 12, 1858, and one hundred copies of bill ordered to be printed.

Mr. Edwards, Chairman of the committee on Military Affairs, made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Military Affairs, to whom was referred the petition of J. H. Shepherd praying for relief, have examined the same and find the facts to be these :

The said Shepherd performed active and efficient services as carrier of despatches between different portions of the army and the commander-in-chief, during the war for independence. He obtained, as per vouchers from A. S. Harrison, who was the proper officer then authorized to employ and engage such service, a certificate of service and discharge on which his claim was audited and acknowledged, and warrant issued 24th Jan. 1837 ; said warrant was obtained by John M. Wade, who commanded as captain a company in the revolution, and who was cognizant of the services of Mr. Shepherd. We had before us the affidavit of Captain Wade, on oath, who says that he lost the warrant of Mr. Shepherd, and that it has never been paid. Your committee, feeling that in a case so plain and meritorious, they are justified in reporting the accompanying bill and recommending its passage ; report received, and bill read first time.

Mr. Bishop, one of the committee on Public Lands, made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Public Lands, to whom was referred a bill for the relief of settlers upon the public domain, located

by virtue of Peters' Colony certificates, issued since the first day of February, 1855, have had the same under consideration, and failing to agree in approving all the provisions of the bill, as referred to the committee; the undersigned members of said committee beg leave to make the following report, and to submit the accompanying substitute in lieu of the original bill, and in doing so wish to state in as concise a manner as practicable, the reasons which have influenced them in coming to the conclusions and recommendations herewith submitted.

The act of the 11th of February, 1852, provides that applicants for Peter's colony certificates, may go before any county court in said colony, and prove by their own oath and the oaths of two respectable witnesses, that they emigrated to and settled in said colony prior to the 1st day of July 1848, and resided therein for the space of three years, and a resident therein at the passage of the law of 1852. That they had never received any lands nor certificates for lands from the State of Coahuila and Texas, The Republic or State of Texas, from Thomas William Ward, Commissioner of said colony, nor from any county court in said colony. That upon making the proof aforesaid, it should be the duty of the clerk of said court, to issue a certificate to the applicant for the amount of land to which he or she was entitled; to heads of families 640 acres, to single men 320 acres. This class of certificates have hitherto been considered the safest by the settler, being issued by the county courts in the several counties in the colony, with whom purchasers were generally well acquainted, and many of the applicants to whom they were issued being citizens of the same county with the settler purchasing them for the location of his future home, and the applicants generally being considered good citizens, gave character to and confidence in the colony certificates, which very naturally created a demand for them in preference to *all other classes in the country, (many of which were considered of doubtful origin,)* and not unfrequently the settlers have been sadly imposed on by speculators in land certificates; from these considerations holders of Peters' colony certificates were enabled to dispose of them at much higher rates than any other class to be had in the country, selling, in many instances, at from eighty cents to one dollar per acre, while other classes could be bought at from 30 to 40 cents per acre. This being the fact, furnishes the best evidence of the high estimation in which they were held by the settlers of limited means,

who wished to purchase certificates of the smallest denominations to be had in the country, and with the surest guarantee of their genuineness, in order to locate permanent homes for their future residences. The repeal of all the pre-emption laws created a demand unprecedented for land certificates of the smaller denominations. Peters' colony certificates were apparently just the thing to supply the demand of the market. In view of all these facts, and taking into consideration the great hardships that must inevitably fall upon the settlers, whose homes have been located by virtue of Peters' colony certificates, should they be left without any protection from the vicious neighbor or the land speculator, we deem it our imperative duty to endeavor to provide, by legislation, for the protection of this unfortunate and innocent class of our citizens, that cannot be extended to them under any existing law, and believing that the provisions of the accompanying bill, although not affording that protection to which we conceive the applicants justly entitled, it will, nevertheless, if granted, protect them from being summarily ejected from their cherished and hard-earned homes, and at the same time would not violate any principle of justice or sound policy, neither will it prejudice or affect the legally acquired rights of any other citizen of the country, nor the interests or rights of the State. On the contrary, the State will thereby become the recipient of considerable sums of money, that will flow into the Treasury from the price proposed to be paid by the actual settlers, as well as from the taxes that will annually accrue from the lands now held by the occupants.

In conclusion, we would further remark that in consequence of the rumor that many of the colony certificates have been illegally issued, could scarcely fail of producing more or less prejudice against this class of certificates, as well as against all those whose misfortune it has been to purchase them for the purpose of locating their future homes. We are also well apprized that that prejudice has been greatly increased, from the belief that land speculators have been mainly instrumental in procuring the issuance of the larger portion of them supposed to be illegal. Facts do not sustain this opinion. No class of citizens have shown more hostility to certificates issued in Peters' colony, than those known to be land speculators, and from reasons too plain to be mistaken; they had large quantities of other classes of certificates on hand, procured for the purpose of locating, and found competition in colony certifi-

cates being located in the new counties, where they had hitherto considered they had legitimate and exclusive rights. Hence their opposition to this class of certificates, and to the settlers whose lands have been located by them. If we are correctly informed, it was the land speculators who first gave the information which led to the appointment of the Board of commissioners by the Governor, to investigate these certificates. The investigating board nowhere charges the land speculators with being instrumental in procuring the issuance of those alleged illegal certificates. On the contrary, they justly charge lawyers with aiding the applicants, as counsel, and advising the county courts, in the construction of the law under which they issued them. We will further state, that we have information from reliable sources that land locators have, since these certificates have become a subject of legislation, either in person or by agents, gone in haste to engage in relocating the homes of the settlers, located by Peters' colony certificates ; facts like these should admonish members of this legislature to pause before they cast their votes to the prejudice and ruin of the honest, unsuspecting settlers, who are willing to pay the State the full price asked from all the other classes of settlers upon the public domain, rather than be turned out of their homes, without any compensation for their labor, or the price paid for their certificates, upon which their lands have been located, and be compelled to stand by without any remedy, and see the speculator take possession of their homes, and become the beneficiaries of their labor, without paying any equivalent therefor. The undersigned having given this subject a patient and thorough investigation, giving due weight to all the facts and arguments adduced during the discussion of the question, has come to the firm conviction that the relief sought should be granted to the settlers, and that the protection proposed in the accompanying bill is no departure from the policy adopted by the present Legislature, as well as previous ones to every class of frontier settlers ; and earnestly recommend the passage of the bill herewith reported back to the House ; all of which is respectfully submitted,

A. BISHOP.

WM. R. SHANNON.

JAMES M. HARRISON.

JOSEPH H. BARNARD.

G. R. REEVES.

Report received :

Mr. Gaston, one of the committee on Private Land Claims, made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Thomas Jamieson, asking pay for property furnished the army of the Republic of Texas, have examined the same, and find that it properly belongs to the committee on Claims and Accounts. They would therefore ask its reference to said committee, and ask to be discharged from the further consideration of the same ; report received.

Mr. Howerton, one of the committee on Private Land Claims, reported recommending the passage of a bill for the relief of Wm. Mudd ; report received, and bill read 1st time.

Also, recommended the passage of a bill for the relief of Thomas Hayton ; report received.

Also, reported recommending that no further action be taken on the petitions of James Morgan and D. L. Cokernot ; report received.

Mr. Buckley, chairman of the committee on Private Land Claims, made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Private Land Claims, to whom was referred a bill for the relief of the heirs of Peter Allen, have had the same under consideration, and after investigation find the following facts connected with the case to be true : That Peter Allen was a free man of color residing in the State of Pennsylvania at the time the Texas Revolution began ; and a man of family—that in company with some white men (under their promise of protection,) the said Peter Allen came to Texas and joined the army and served therein as musician in Captain Wyate's company, under the command of Col. J. W. Fannin; until the capitulation of Goliad, on the 19th March, A. D. 1836, when he was taken prisoner with the rest of said command, and afterwards massacred by order of Santa Anna. That under the law providing for the issuance of headrights, bounty and donation claims to the heirs of those who fell with Fannin and others ; certificates for a headright for a league and labor, a bounty claim for 1920 acres, and a donation claim for 640 acres, were regularly issued by the proper au-

thorities to the heirs of said Peter Allen. That a patent has been issued upon the donation claim and the bounty claim and headright certificate for one-third of a league, (his headright having been issued in two certificates one for a third of a league, and the other for two-thirds of a league, and one labor,) which were not patented at the date of the establishment of the Court of Claims, have been presented to the Commissioner, and by him registered and approved, and that the Commissioner of the General Land Office refuses to issue patents upon the said certificates, because the said Peter Allen was not a white person.

The bill referred to your committee only requires the Commissioner of the General Land Office to issue patents upon the foregoing certificates, and your committee being unable to agree upon the propriety of the passage of the bill have instructed me to report the facts to the House and the bill back for its action ; report received.

Mr. Hardin, one of the committee on Private Land Claims reported as follows :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The Committee on Private Land Claims have examined a bill to legalize the acts of the county court of Montgomery county, acting as a Board of Land Commissioners, and instruct me to report the accompanying substitute for the bill and recommend its passage ; report received.

Mr. Ross, one of the committee on Private Land Claims, reported, asking to be discharged from a further consideration of the petitions of J. H. Livergood, William Smothers and H. A. Greenwood ; report received.

Mr. Cleveland presented the petition of Wm. Davis ; referred to committee on Private Land Claims.

Mr. Kinney presented the petition of B. F. Neal and Geo. Pfeuffer ; of John Keelet, Felix A. Blucher, James F. Miller and others ; of Charles S. Parish and others ; and of J. Williamson, Moses Maras, B. Fussleman and others ; all referred to Joint Stock committee.

Also, the petition of Wm. S. Pate ; referred to committee on Private Land Claims.

Mr. Ward, chairman of the committee on Enrolled Bills, reported correctly enrolled "an act amendatory of an act enti-

tled an act to incorporate the European and American Colonization Society in Texas." Report accepted.

Mr. Henderson and Harris introduced a bill to amend the 3d section of an act to authorize the county courts of this State to grant a license for the retail of spirituous, vinious and intoxicating liquors, in quantities less than a quart, and imposing a license tax for such privilege; read first and second times and referred to the committee on State Affairs.

On motion of Mr. Everett, the rule was suspended, and the bill relative to the Court of Claims taken up.

Mr. Gaston offered the following amendment, to come in after the word "unlocated," in the 6th line, 10th section:

"And for such service the surveyor shall be allowed fifty cents for each certificate so reported upon, to be paid for by the owner thereof."

SEC. 12. That it shall be the duty of the District Attorneys in the several Judicial Districts, to institute suits, in all cases, against the parties who may be found guilty of issuing fraudulent certificates; and any person, or persons, being convicted thereof, either as principal or accessory thereto, shall be liable to all the fines and penalties annexed to the law for forgery.

12th section to be numbered section 13.

On motion of Mr. Wood, laid on the table.

Mr. Ward moved to amend as follows, to come in at commencement of 4th line, 4th section, page 3: "Or in which the applicant resides.

On motion, laid on the table.

On motion of Mr. Latham, the previous question ordered, which being the final passage of the bill, the same was put and passed by the following vote:

YEAS.—Messrs. Speaker, Aycock, Barnard, Brown, Burks, Carroll, Chance, Cleveland, Craig, Crook, Dennis, Edwards, Everett, Fisher, French, Hardeman, Hardin, Harris of Guadalupe, Harrison, Hart, Haynes of Washington, Henderson of Harris, Higgins, Jennings, Johnson, Kittrell, Lacy, Latham, Lesueur, Lewter, Locke, Merriman, Munson, Murrah, Norton, Powell, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shelton, Smith of Orange, Tait, Upshaw, Wælder, Ward and Wood—49.

NAYS.—Messrs. Bee, Bishop, Buckley, Burnett, Chilton, Clow, Collier, Evans of McLennan, Gaston, Hall, Harris of Titus, Haynes of Starr, Henderson of Cass, Hicks, Holland, Howerton, Joseph, Kinney, Kirk, Lee, Lloyd, McKenney of

Hopkins, McKinney of Travis, Navarro, Poag, Price, Rainey, Reeves, Shannon, Smith of Fannin, Walling, Waterhouse and Witt.—33.

Mr. Ward offered the following joint resolution :

Resolved, That the two houses of the present Legislature shall meet in the Hall of the House on Monday, the 11th January, at 11 o'clock, A. M., for the purpose of electing a Commissioner of Claims, as required by law.

On motion of Mr. Lesueur, laid on the table.

Mr. Lee presented the petition of Wm. Oldham ; referred to the committee on Claims and Accounts.

Question pending when the House adjourned, viz : Mr. Henderson's of Harris motion to lay on the table Mr. Wælder's motion to postpone Mr. Hicks' motion to reconsider the vote indefinitely postponing the Cart War question, taken up.

The question being on laying the motion on the table, the same was put, and the House refused to lay on the table.

The question then recurring on the motion to postpone, the same was put, and the House refused to postpone.

Mr. Rhodes moved to adjourn until 3 o'clock, P. M.; lost.

The question being on the reconsideration of the vote indefinitely postponing the bill, was put, and the vote was reconsidered by the following vote :

YEAS.—Messrs. Aycok, Bee, Brown, Buckley, Carroll, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Dennis, Evans of Austin, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Henderson of Harris, Hicks, Higgins, Jennings, Johnson, Joseph, Kinney, Kittrell, Lacy, Latham, Lee, Locke, Lloyd, McKenney of Hopkins, McKinney of Travis, Merriman, Murrah, Navarro, Poag, Powell, Rainey, Reeves, Ross, Runnels, Scott, Smith of Fannin, Upshaw, Wælder, Ward and Wood—50.

NAYS.—Messrs. Barnard, Bishop, Burnett, Chance, Crook, Dalrymple, Edwards, Evans of McLennan, Gaston, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Holland, Kirk, Lesueur, Lewter, Munson, Norton, Price, Rhodes, Roberts, Rogers, Tait, Walling and Waterhouse—27.

On motion of Mr. Henderson of Harris, the bill was then referred to a select committee—the Speaker announcing Messrs. Bee, Wælder, Jennings and Navarro said committee.

A message was received from the Senate, announcing to the House the passage of the following bills, originating in the House, viz :

A bill to be entitled an act to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company ;

A bill to be entitled an act to create the county of Throckmorton ; and

A bill for the relief of Manilla Prince ;

Also, a bill to incorporate the Telico Manufacturing Company, with an amendment from the Senate ;

Also, informing the House that the Senate had concurred in the resolution of the House requiring the committees on Counties and County Boundaries of the two houses to hold joint sessions ; and has concurred in the resolution of the House appointing a joint committee to examine the various departments of the State Government, and report as to the number and salaries of employees therein, and report upon the expediency of discharging any of said employees ; and has appointed Messrs. Taylor of Cass and Maverick a committee on the part of the Senate.

On motion of Mr. Burnett, the House adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M., January 6th, 1858.

House met pursuant to adjournment—roll called—quorum present.

Mr. Upshaw's resolution to establish an Alphabetical Rule for the House, was taken from the Speaker's table, when

Mr. Upshaw offered the following as a substitute for the resolution :

“Resolved, That from and after this day, the Clerk shall, when the House meets in evening sessions, commence at the top and bottom of the list, and call each member's name, and as his name is called he shall have the right to call up such bill, or joint resolution, as he may wish, and have the same disposed of as the House may think proper ; and if a member is absent, his name may be passed at the time, until he appears in the Hall, or a bill may be called up by some one authorized by himself ; and no gentleman shall be allowed, during such sessions, to speak upon a bill or proposition more than ten minutes at a time, without leave of a majority of the members present.”

Mr. McKinney of Travis moved to lay the substitute on

the table; whereupon, the yeas and nays were demanded, and the House refused to lay on the table by the following vote:

YEAS.—Messrs. Aycock, Chance, Clow, Craig, Everett, French, Gaston; Harris of Titus, Harrison, Jennings, Johnson, Joseph, Lee, Lloyd, McKenney of Hopkins, McKinney of Travis, Meriman, Mills, Norton, Poag and Wood—21.

NAYS.—Messrs. Barnard, Bishop, Buckley, Burks, Burnett, Carroll, Collier, Crook, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, Hardeman, Hardin, Harris of Guadalupe, Hart, Henderson of Cass, Hicks, Kinney, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Locke, Navarro, Powell, Price, Reeves, Rhodes, Roberts, Ross, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Wælder, Walling, Ward and Waterhouse—43.

Mr. Price moved to amend by adding:

“The Clerk shall commence on each successive evening where he left off in the evening preceding in the call.”

Mr. Poag moved to lay the resolution, substitute and amendment on the table; whereupon, the yeas and nays were demanded, and stood thus:

YEAS.—Messrs. Aycock, Buckley, Chance, Clow, Craig, Everett, Gaston, Harrison, Hart, Haynes of Washington, Jennings, Johnson, Joseph, Latham, Lee, Lloyd, McKinney of Travis, McKenney of Hopkins, Mills, Murrah, Navarro, Norton, Poag, Rainey, Runnels, Smith of Fannin, Tait, Wælder and Wood—28.

NAYS.—Messrs. Barnard, Bee, Bishop, Brown, Burks, Burnett, Carroll, Cleveland, Collier, Cooley, Crook, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Henderson of Cass, Henderson of Harris, Howerton, Kinney, Kirk, Kittrell, Lacy, Lesueur, Lewter, Locke, Meriman, Munson, Powell, Price, Reeves, Rhodes, Roberts, Ross, Scott, Shannon, Shelton, Smith of Orange, Upshaw, Walling, Ward and Waterhouse—50.

On motion of Mr. Aycock, the main question was ordered, which being the adoption of the amendment offered by Mr. Price, the same was put, and the amendment adopted by a vote of 56 yeas to 18 nays.

The question recurring upon the adoption of the substitute for the original resolution, was put, and the substitute adopted by a vote of 44 yeas to 32 nays.

The question recurring upon the adoption of the resolution,

was put, and the House refused to adopt (it requiring a two-thirds vote,) by the following vote :

YEAS.—Messrs. Barnard, Bee, Bishop, Burks, Burnett, Carroll, Cleveland, Collier, Crook, Dennis, Doom, Fisher, French, Hardeman, Harris of Guadalupe, Harris, of Titus, Henderson of Cass, Hicks, Higgins, Howerton, Kinney, Kirk, Kittrell, Lacy, Lewter, Locke, Munson, Navarro, Powell, Price, Reeves, Rhodes, Ross, Scott, Shelton, Smith of Orange, Upshaw, Wælder, Walling, Ward and Waterhouse—41.

NAYS.—Messrs. Aycock, Brown, Buckley, Chance, Chilton, Clow, Cooley, Craig, Edwards, Evans of McLennan, Everett, Gaston, Hall, Harrison, Hart, Haynes of Washington, Henderson of Harris, Jennings, Johnson, Joseph, Latham, Lee, Lesueur, Lloyd, McKenney of Hopkins, McKinney of Travis, Merriman, Mills, Murrah, Norton, Poag, Rainey, Roberts, Runnels, Shannon, Smith of Fannin, Tait and Wood—37.

Mr. Lacy moved to suspend the rule, and take up a Senate bill for the relief of Ygnacio Perez ; lost.

The following bills, originating in the House, with amendments from the Senate, were taken up, and amendments concurred in, viz :

A bill to incorporate the Telico Manufacturing Company ; and

A bill to be entitled an act to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company.

Mr. Wood moved to adjourn until to-morrow morning 9½ o'clock ; lost.

The following message from his Excellency, the Governor, was taken from the Speaker's table, read and referred to the joint committee on the Court of Claims :

EXECUTIVE OFFICE, }
AUSTIN, January 6th, 1858. }

Gentlemen of the Senate

and House of Representatives :

I herewith transmit for your information the resignation of J. O. Illingsworth, Commissioner of the Court of Claims ; said resignation to take effect to-morrow, the 7th of January.

H. R. RUNNELS.

The following engrossed bills were taken from the Speaker's table and disposed of as follows :

A bill to provide for a new trial in the case of the State of Texas vs. John Jackson.

Mr. Evans of McLennan offered a substitute for the bill.

Mr. Roberts moved to lay the substitute on the table; lost.

Mr. Buckley moved to indefinitely postpone the bill and substitute.

The main question was ordered, and the yeas and nays demanded, with the following result:

YEAS.—Messrs. Aycock, Barnard, Bee, Buckley, Burnett, Carroll, Chilton, Cleveland, Collier, Craig, Crook, Dalrymple, Edwards, Evans of McLennan, Fisher, French, Gaston, Hardeman, Harrison, Henderson of Harris, Hicks, Howerton, Joseph, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Locke, Lloyd, McKinney of Travis, Merriman, Mills, Navarro, Powell, Rhodes, Roberts, Ross, Smith of Fannin, Tait, Upshaw, Wælder, Walling and Waterhouse—45.

NAYS.—Messrs. Chance, Dennis, Doom, Everett, Harris of Titus, Harris of Guadalupe, Hart, Henderson of Cass, Jennings, Johnson, Kinney, Lee, Murrah, Norton, Poag, Rainey, Reeves, Ward and Wood—19.

Mr. Rainey introduced a bill concerning contempts; read first and second times and referred to the committee on the Judiciary.

On motion of Mr. Roberts, the House adjourned until 9½ o'clock, A. M., to-morrow.

AUSTIN, January 7th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Aycock presented the petition of heirs Sam'l. Penrod; referred to committee on Private Land Claims.

Mr. Hart presented the petition of Wm. Cregg; referred to committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, Chairman of committee on Education, reported, recommending the passage of a bill to incorporate the Bosque Female Institute and Male College; report received.

Mr. Kirk, one of committee on Private Land Claims, reported as follows:

HON. M. F. LOCKE,

Speaker pro tem. of the House of Representatives :

The committee on Private Land Claims, have examined the petition of George Elliott, and find that it more properly belongs to committee on Claims and Accounts, and instruct me to report it back and ask such reference ; report received.

Mr. Ross, one of the same committee, reported as follows :

HON. F. M. LOCKE,

Speaker pro tem of the House of Representatives :

The committee on Private Land Claims, have examined the petition of the heirs of Moses Higgins, deceased, and find the facts as fully proven to be, that said Moses Higgins, emigrated to the country in December, 1837, with his numerous family, and remained here, discharging the duties of citizen until the time of his death in 1849, and that he nor his heirs have never received any land as emigrants. Your committee have therefore, in view of all the facts, instruct me to report the accompanying bill and recommend its passage ; report received and bill read first tim .

Mr. Lee, of the same committee reported a bill for the relief of Wm. B. Green and recommended its passage : report received and bill read first time.

Mr. Howerton, one of the same committee, reported asking that no further action be had on the petition of Abram B. Silliman ; report received.

Also reported a substitute for a bill for the relief of the heirs of Sydney O. Pennington ; report received.

Also reported, asking to be discharged from the further consideration of the petition of Robert Loveland ; report received.

Mr. Burnett, of the same committee, reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Private Land Claims, have examined the petition of W. George and Joseph George, and instruct me to report against said claim, and ask to be discharged from its further consideration ; report received.

Mr. Lewter, chairman of committee on Roads, Bridges and Ferries, reported as follows :

HON. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Roads, Bridges and Ferries, have exam-

ined a bill to incorporate the Dallas Bridge and Causeway Company, and to repeal an act amending the same, passed August 18th, 1856, and instruct me to report the same back to the House and recommend its passage ; report received.

Also, the committee on Roads, Bridges and Ferries, have examined a bill supplementary to and amendatory of an act approved January 28th, 1856, to authorize and require the County Court of Brazoria county to establish, discontinue and regulate public and private Roads in said county, and cause public Roads and Bridges to be constructed and kept in good repair, and find nothing therein contained that can operate in any wise to the prejudice of the State, the bill being local and applicable alone to Brazoria county. Your committee are further satisfied that the amendments asked in this bill are of material interest to said county ; the committee recommend the passage of the bill ; report received.

Mr. Clow, one of committee on Engrossed Bill, reported correctly Engrossed, a bill to restore Thomas Hoskins to his civil rights ; report accepted.

On motion, Mr. Higgins was added to the Special Committee on the "Cart War Bill."

STATE AFFAIRS.

Mr. Bee Chairman, reported recommending the passage of a Senate bill to incorporate Indianola ; report received.

On motion of Mr. Wælder, the rule was suspended, bill just reported, taken up and passed to third reading, read third time and passed.

Mr. Bee, also reported recommending the passage of a bill to incorporate Lavaca Lodge No. 36 of Free and Accepted Masons, without amendment ; report received.

Also reported, recommending the passage of a bill to incorporate the Philosophian Society of Chapel Hill College, and a bill to incorporate the town of Jefferson ; report received.

And made the following report :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on State Affairs, to whom was referred a Senate bill to repeal the proviso of the 1st Sec. of a Joint Resolution for the relief of the Company of Rangers, commanded by Capt. Wm. Becknell, in 1836, find the facts to be that the act proposed to be amended was passed February 11th, 1852, and was intended to give the members of Capt. Beck-

nell's command a Bounty Warrant for 320 acres. Under this law most, if not all of them, applied and did receive their Warrants, and most of them were patented before the establishment of the Court of Claims. Under the operation of this Court, it was the duty of the Commissioner to approve or reject these as well as all other Bounty Land Warrants. Upon an investigation, it appears that this Company did not serve the entire three months for which they enlisted, but was honorably discharged fourteen days before the time. Now the proviso desired to be repealed by this act, provides, that the members of said Company would have been entitled to the Bounty land they ask for by law if their discharges had been countersigned by a Field officer. Your committee can see no objection to the passage of the Joint Resolution, as the Company enlisted in good faith for three months and was discharged by the Government before the time expired. We therefore, report the Joint Resolution back without amendment, and recommend its passage ; report received.

Mr. Burnett moved to reconsider the vote laying on the table a bill providing for a new trial in the case of the State vs. John Jackson.

On motion of Mr. Roberts, the motion to reconsider the vote was laid on the table.

Mr. Wælder, one of the committee on Judicial Districts, reported recommending the passage of a bill to define the time of holding Courts in the 18th Judicial District ; report received.

A message was received from the Senate announcing to the House the passage of the following bills originating in the Senate :

A bill for the relief of Wm. DeWoody.

A bill to authorize the Commissioner of the General Land Office to issue patents upon locations made upon Kemper's Island on the Guadalupe river, and

A bill for the relief of Mary A. Collins.

On motion of Mr. Lacy, the rule was suspended and a bill for the relief of Ignacio Perez, was taken up.

Mr. Edwards moved to refer the bill to a select committee of five—lost.

Mr. Kittrell moved to amend by striking out 3112 and inserting 1556.

Mr. Everett moved to lay the motion on the table—lost by a vote of 34 yeas to 48 nays.

Mr. Ward, chairman of committee on Enrolled Bills, reported correctly Enrolled, properly signed, and presented for Executive approval, a bill to change the name of Taylorsville, and a bill for the relief of Marella Prince; report received.

On motion, the House adjourned until 7½ o'clock, P. M.
Pending Mr. Kittrell's amendment.

HALF PAST 7 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Henderson of Harris, Chairman of a Joint Select committee on the Treasurer's Office, reported as follows :

COMMITTEE ROOM. }
January 7th, 1858. }

TO THE HON. F. R. LUBBOCK,

President of the Senate, and

HON. M. F. LOCKE,

Speaker pro. tem. of the House of Representatives:

The Joint committee appointed to examine the books and accounts of Treasurer and Comptroller, have discharged the duty assigned them, and submit the result of their labors.

The committee obtained from the Comptroller of Public Accounts a statement of the amount the Treasurer should account for, to-wit :

Amount for which the Treasurer is responsible on 5th Jan., 1858, as per statement of Comptroller, - -	\$3,634,998.11
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In addition to the above amount, the Treasurer exhibited indebtedness to the Cash Clerk of the Land Office for money received therefrom which has not yet been officially deposited, but for which the Treasurer's unofficial receipt is outstanding, amounting to - - - - -	\$18,916.05
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Also, a special deposit by private hands, for the purchase of January Coupons, the sum of - - - - -	5,580.12
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Making the grand total of the Treasurer's indebtedness to the 5th of January, 1858, - - - - -	\$3,659,503.28
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To meet this, the committee found in
the vaults of the Treasury,

In U. S. (5 per ct.) bonds,	-	\$3,214,000.00
“ Railroad Bonds,	- -	210,000.00
“ Treasury Warrants paid,	- -	177,576.59
“ Public Debt Certificates paid,	-	5,181.82
“ Receipts for pay and mileage of members and pay of Officers of Leg- islature,	- - -	33,991.90
In Gold and Silver,	- -	18,753.96
		\$3,659,503.38

The Books and Accounts in both Offices appear to be neatly kept. They are written in a plain clerical hand, free from blots and stains. The calculations made in them, as far as examined by the committee, were found to be accurate.

The system adopted in keeping the accounts, is such that each Office is a check on the other, and mistakes or errors committed in one Office, can be corrected in the other.

J. W. HENDERSON,
Chairman on part of House.

J. M. BURROUGHS,
Chairman on part of Senate.

J. W. THROCKMORTON,
M. F. LOCKE,
R. H. WARD.

Mr. McKinney of Travis, one of committee on Federal Relations, reported as follows :

Hon. F. M. LOCKE,

Speaker pro tem of the House of Representatives.

The committee on Federal Relations, to whom was referred a Joint Resolution relative to procuring the erection of suitable buildings for U. S. Court Rooms and Post Offices in Tyler and the City of Austin, have had the same under consideration and believing the same to be in accordance with the general policy of U. S., and a matter of general convenience, have instructed me to report the Joint Resolution to the House without amendment, and recommend its passage ; report received.

Question pending when the House adjourned, viz : Mr. Kittrell's amendment to a bill for the relief of Ignacio Perez, taken up.

On motion of Mr. Reeves, the main question was ordered, which being the adoption or rejection of Mr. Kittrell's amend-

ment, the same was put and the amendment adopted by the following vote :

YEAS—Messrs. Aycock, Bee, Bishop, Brown, Buckley, Burnett, Chilton, Cleveland, Clow, Collier, Cooley Dennis, Doom, Edwards, Evans of Austin, French, Hall, Hardin, Harris of Guadalupe, Haynes of Starr, Henderson of Harris, Johnson, Joseph, Kinney, Kittrell, Latham, Lloyd, Munson, Navarro, Powell, Price, Rhodes, Roberts, Rogers, Smith of Orange, Tait, Wælder, Walling and Wood—39.

NAYS—Messrs. Burks, Carroll, Chance, Craig, Crook, Dalrymple, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Hicks, Higgins, Jennings, Lacy, Lesueur, Lewter, Locke, McKinney of Travis, Merriman, Mills, Murrah, Norton, Poag, Rainey, Reeves, Ross, Runnels, Scott, Smith of Fannin, Upshaw, Ward and Waterhouse—36.

The question recurring upon the passage of the bill to a 3d reading, the same was put with the following result :

YEAS—Messrs. Bee, Bishop, Brown, Buckley, Chilton, Cleveland, Cooley, Dennis, Edwards, Evans of Austin, French, Hall, Haynes of Starr, Henderson of Harris, Joseph, Kinney, Munson, Navarro, Powell, Price, Tait and Wælder—23.

NAYS—Messrs. Aycock, Burks, Burnett, Carroll, Chance, Clow, Collier, Craig, Crook, Dalrymple, Doom, Evans of McLennan, Everett, Gaston, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Higgins, Jennings, Johnson, Kirk, Kittrell, Lacy, Lee, Lesueur, Lewter, Locke, Lloyd, McKinney of Travis, Merriman, Mills, Murrah, Norton, Poag, Rainey, Reeves, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Smith of Fannin, Smith of Orange, Upshaw, Walling, Ward, Waterhouse and Wood—53.

So the House refused to pass the bill to a third reading.

On motion, T. P. Plasters, Assistant-Door-Keeper, was excused from attendance on the House for 10 days from Saturday next.

A Joint Resolution to amend the State Constitution, so as to allow the sale of the Schools Lands, taken up.

Mr. McKinney of Travis, proposed to amend by inserting after the words County Courts, “with the consent of a majority of the legal voters”—adopted.

Mr. Wood moved to amend by striking out from time to time by the same after the word prescribed and insert, the proceeds

and interest of such sales shall be applied to educational purposes only.

On motion, the resolution and amendments were re-referred to the committee on Education.

Mr. Bee moved to suspend the rule and take up a bill to provide for a Geological Survey of the State—lost.

Special order, viz : A motion to reconsider the vote refusing to pass a Joint Resolution to authorize the Attorney General to discontinue the suits now pending in the District Court of Travis County, against the Commissioners and Superintendent of the State Capitol, taken up and the House refused to reconsider the vote.

A bill for the relief of A. H. Cook taken up ; Mr. Chilton proposed to amend as follows :

“ And that \$350 be and the same is hereby appropriated out of said sum for the purchase of Umbrellas for the use of members who have to set in the House during wet weather.”

Mr. Rhodes moved to lay the amendment on the table—lost.

Mr. Price proposed to amend the amendment by inserting after the word “roof,” which is strictly waterproof, letting through only the water which falls on top.

On motion of Mr. Henderson of Harris, the bill and amendments were laid on the table by a vote of 53 yeas to 22 nays.

Mr. Latham introduced a Joint Resolution asking additional Mail service ; read first and second times and referred to committee on Federal Relations.

Mr. Kinney presented the memorial of Geo. W. Wright and others ; referred to Joint committee on Stock and Stock Raising.

Mr. Navarro offered the following resolution :

Resolved, That it is against *public policy* for the State of Texas to pay her just debts, because there is not money enough in the Treasury for the members to splurge on.

Laid on the table.

Mr. Haynes of Starr, offered the following resolution :

Resolved, That the Chief Clerk cause a correct list of the business on the Speaker's table in the order of its numbers to be made out and posted up ; and that all new business be added daily ; and that when the House proceeds to the orders of the day, the business shall proceed regularly in the order of its number, and that the number as well as the title of each bill be announced by the Clerk when taken up.

Laid on the table one day for consideration.

A resolution to print 1000 copies of the reports of the Trustees of the Blind and Deaf and Dumb Institute, taken up and laid on the table.

A Senate bill to incorporate the Preachers' Aid Society of the East. Texas Conference, taken up and passed to a third reading,—rule suspended, read third time and passed by a two third vote.

On motion, the House adjourned until 9½ o'clock, Saturday next by the following vote :

YEAS—Messrs. Aycock, Bee, Bishop, Brown, Burks, Carroll, Chance, Chilton, Cleveland, Clow, Craig, Crook, Dennis, Doom, Everett, French, Hall, Hardin, Harris of Titus, Harrison, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Jennings, Johnson, Kittrell, Lee, Lewter, Locke, Lloyd, McKenney of Hopkins, McKinney of Travis, Merriman, Mills, Munson, Murrah, Navarro, Powell, Rainey, Rogers, Ross, Shannon, Smith of Fannin, Upshaw, Wælder, Ward and Wood—50.

NAYS—Messrs. Barnard, Burnett, Evans of McLennan, Gaston, Harris of Guadalupe, Hart, Kinney, Kirk, Norton, Price, Reeves, Rhodes, Roberts, Scott, Smith of Orange, Tait, Walling and Waterhouse—18.

SATURDAY 9½ O'CLOCK, Austin, Jan. 9th 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of Thursday read and adopted.

On motion of Mr. Chilton, the House adjourned until Monday morning 9½ o'clock, by the following vote :

YEAS—Messrs. Aycock, Bishop, Brown, Burks, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Fisher, French, Hardeman, Harrison, Henderson of Cass, Henderson of Harris, Hicks, Holland, Howerton, Jennings, Johnson, Joseph, Kittrell, Latham, Lee, Locke, Lloyd, McKenney of Hopkins, Merriman, Mills, Munson, Navarro, Poag, Powell, Rogers, Ross, Shannon, Shelton, Smith of Fannin, Tait, Upshaw, Ward and Wood—51.

NAYS—Messrs. Barnard, Burnett, Crook, Everett, Gaston, Harris of Titus, Hart, Kirk, Lacy, Lesueur, Lewter, Norton, Price, Reeves, Rhodes, Roberts, Scott, Waterhouse and Witt.—19.

AUSTIN, January 11, 1858.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Evans of McLennan presented the memorial of sundry citizens of Bell county ; referred to committee on State Affairs.

Mr. Scott presented the petition of Aaron Farris ; referred to committee on Private Land Claims.

Mr. Powell presented the petition of Henry Griggs, et. al. ; referred to committee on Counties and County Boundaries.

Mr. Kittrell presented the petition of B. J. Harper ; referred to committee on Private Land Claims,

REPORTS OF STANDING COMMITTEES.

Mr. Wood one of the Judiciary committee, reported as follows, on an act remitting penalties in certain cases :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Judiciary committee, to whom was referred a resolution, directing an inquiry into the expediency of passing a law remitting the penalties that have accrued, under the provisions of the liquor license law of February the second, 1856, have carefully considered the subject. The opinion has prevailed, in many sections of the State, in fact, such opinion has been generally prevalent, that the passage of the Penal Code by the last Legislature, repealed the whole criminal and penal law of the State not contained in its pages. In other words, that the Penal Code was a perfect system, and that we could not look outside of its pages for the criminal law of the land. This, indeed, is the express declaration of the Code, when it says that “the design of enacting this Code is to define, in plain language, *every* offence against the laws of this State, and to fix to each offence its proper punishment.” In the repealing clause of the Code, this language is used : “All other laws and parts of laws relating to crimes and punishments are hereby repealed.” In no part of the Code is to be found the section or part of a section that denounces a penalty against the individual who should sell “spirituous, vinous or other intoxicating liquors, in less quantity than a quart.” The Code defines “in plain language every offense against the

laws," but no such "offense" is mentioned within its pages, as that of selling liquor in less quantity than a quart. If the Code contains no such offense, but does contain, according to its own declaration, the whole and perfect law, well might the popular mind be led, honestly, to the conclusion that the Act of February the second was repealed, and that there was in existence no law upon the subject. However fallacious this conclusion of the popular mind may have been, we can readily excuse it on the part of the plain farmer, the mechanic, and even the grocery-keeper, when we consider that a majority of the District Judges and the members of the bar of the State fall into the same error. The opinion that the liquor license law was repealed was announced from the Bench, and the correctness of this opinion sustained by many among the ablest lawyers in the country. Yet, this opinion of Bench and Bar has been decided by the Supreme Court to be erroneous, and it is not for this committee to call such decision in question. The entertainment of this erroneous opinion by a large portion of the people, the Bench and the Bar, shows, most conclusively, this fact: that violations of the law have not been malicious and wilful, but, unwittingly, individuals have transgressed a statute they knew not of—one that only existed among the unwritten decrees.

While the committee are willing to acknowledge the wisdom of the maxims, that "every man is presumed to know the law," and that "ignorance of the law excuses no man," though that law may be written in very small characters, and hung up on tall pillars, like those of the tyrant Caligula, or exist unwritten in the breast of the Judge, as in the case of the liquor license law, after the passage of the Penal Code, yet they do protest against the setting of *legal traps* to catch the unwitting and unwary. It is the bad intention present in the mind that gives to action its turpitude. Can it be supposed that those who have sold liquor, without license, did it with the settled and deliberate purpose of violating the law and cheating the State and county out of the license tax? Such a supposition cannot be entertained for a moment. It is an unintentional violation—a violation not bad *per se*, but only bad because prohibited by municipal regulation. Is it the policy of the State thus to entrap and then punish, by penalties, her citizens for the violation of a law they knew not of? The committee think not. They believe that sound policy dictates a different course; that the law should first be rendered cer-

tain, then *published*, that the citizen may know what the law is, and then its violations should be punished with inflexible certainty. This is the true policy, and the only one that will insure a law-respecting and law-abiding people. The State should guard against all laws that have the appearance of being *ex post facto*. The Legislature should not lay itself open for the citizen to say, "you require the enforcement of the penalties of a law against me, that the Bench and a large portion of the Bar declared to be repealed, and in which declaration I had every reason to rely. I have acted as I have, supposing that I was violating no law; but now, when too late, I find that I am deceived, entrapped, and subject to onerous penalties. Your Constitution says that you shall not make any *ex post facto* law, and though this law, in a technical legal sense, may not be a violation of the Constitution, to me, in its practical operation, it is *ex post facto*. I thought that I was doing no wrong, yet I am subject to indictment."

Under the circumstances, the committee feel that it would be a hardship—an injustice, to enforce the penalties of this law, even against *liquor dealers*, without first giving them an opportunity to come forward and comply with the provisions of the law. The general opinion that the law was repealed, the legal sources from which that opinion was derived, conspire to make the strict enforcement of the law one of extraordinary hardship, and to render it eminently proper and just that the Legislature should permit parties to come in at this late day, and relieve themselves from the penalties to which they are subject, by paying the State and county tax for the time they sold liquor without license. The committee, therefore, report to the House the accompanying bill, and recommend its passage.

WM. D. WOOD,
One of the committee.

Report received and bill read first time.

Mr. Price one of the same committee, made the following minority report on the same subject:

To the Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

The undersigned, member of the Judiciary committee, to whom was referred a resolution instructing said committee to enquire into the propriety of passing a law to relieve *dram-sellers* from certain penalties incurred by them, while engaged

in the traffic of selling liquor at retail without license, being unable to agree with the majority of the committee, begs leave to submit the following minority report :

This interesting class of individuals, for whom it is now proposed to indulge in extraordinary special legislation, seem to have presumed that the penalties of the retail liquor law, approved second February, A. D. 1856, had been abolished by the provisions of the Penal Code, approved twenty-eighth August, 1856. But our Supreme Court having recently decided that no such repeal has been effected by the provisions of the Code, the not very enviable position is assumed, for this not very enviable class of society, that their *ignorance* of what the law really was should exonerate them from all penalties. This position, which is acknowledged to be in violation of the old and well recognized maxim, which lies at the very foundation of all civilized society, to-wit: that "ignorance of the law excuses no man," is gravely attempted to be maintained in this instance, from the fact, that a few lawyers and judges, and perhaps other good people, happened to concur in opinion with these dram-sellers, that there was really no license law in force after the twenty-eighth August, 1856. However honest these individuals may have been in their opinions of the law, their amenability to its enactments rested not in a matter of belief, or of construction, but in the fact that the law, in full force and vigor, spread out upon the pages of our statute books, denounced its penalties against those, who, not having the fear of God before their eyes, nor a *decent regard* for good liquor in their hearts, should engage in the traffic of vending *villainous rot-gut* to the thirsty and unsuspecting, without having paid into the coffers of the county the regular license fee therefor.

It would be but a poor compliment to the wisdom of the last Legislature, to conclude that they would repeal all penalties against the ungodly traffic of dram-selling, and thereby turn loose upon society a horde of vampyres, to fatten upon the misfortunes and gloat over the misery of the countless victims of their trade. When it has been the custom, time immemorial, in all civilized countries, to impose taxes, pains and penalties, upon men, who were so unmindful of the best interests of their fellows as to engage in the retail liquor traffic, it cannot for a moment be presumed, not *even* by the *dram-seller, himself, if honest*, that an enlightened Legislature, in the State of Texas, intended to break down all the

barriers, and remove all the safe-guards which had hitherto been thrown around society to shield and protect it from this withering curse. And even if we admit that there might have been rational doubts in the minds of dram-sellers as regards the repeal of the law of the second of February, 1856, a *decent regard* for the *well-being* of *society* should have repressed their *cupidity*, and turned them away from their diabolical crusade against morality and good order. In a word, they should have awaited until they knew certainly what the *law was*. In all matters of *doubtful propriety*, prudence would say, refrain from action.

It is contended, by the majority of the committee, that this retail traffic in *red-eye* is not wrong "*per se*," but only becomes wrong when prohibited by law. Then why attach any penalties or restrict the traffic to a few individuals? Why not let every man, who feels inclined, embark at pleasure, and without fine or penalty, in the trade? If it be not a blighting curse, and productive of incalculable mischief, why protect by law the Indians upon your frontier, the negro upon your plantation, or your son at college?

When it is a well authenticated and almost universally admitted proposition, that four-fifths of the crime and pauperism that disgrace our country, are traceable, either directly or indirectly, to this trade; that it is a demon, whose capacious maw swallows up health, property and reputation, and that, in fact, it is productive of *evil*, and *only evil*, and that continually, it is a matter of profound regret and astonishment that wise legislators should find it in their hearts, either by word or action, to defend, encourage, or even tolerate it. The entire traffic, in the aggregate and in detail, is at *war* upon the best and dearest interests of the great body of the people; it is a very *plague spot* upon the fair face of society; a *foul* and *loathsome ulcer* upon the body *politic* and *social*—calling loudly for *pains* and *penalties* to suppress its work of devastation and death—and merits neither *mercy* nor *decent consideration* at the hands of the Legislature.

If it were even admitted that a few dram-sellers have been "entrapped" by the ambiguity of the law, it might be retorted that these same "unwitting" and "unwary" gentry have set "traps" and "dead-falls" all over the country, and baited them with a most *villainous concoction* of *burst-head*, manufactured from *alcohol*, *strychnine*, *tobacco* and *red-pepper*, after the most *modern* and *improved plan*, by which they have

sent many a poor devil with the dry gripes to "Davy Jones' locker."

Where *one dram-seller* has been "entrapped," *one hundred honest men* have fallen among the snakes under the potent hand of the "*man with the poker*," and have eventually been packed off by green-headed *monkeys*.

From all of which it may be plainly inferred that the undersigned is clearly of the opinion that it would be inexpedient to grant the relief asked for.

All of which is respectfully submitted.

L. F. PRICE,

One of the committee.

Mr. Kirk one of the Committee on State Affairs, reported as follows on the memorial of Mary W. Watkins :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on State Affairs to whom was referred the memorial of Mary W. Watkins for relief, have had the same under consideration, and find on a strict investigation, the facts as proven, to be as follows: Jesse Watkins, deceased, the husband of petitioner, was a resident of Nacogdoches county in the Republic of Texas, in the year 1838, and that he was appointed and commissioned by the Executive of the said Republic as a commissioner, to treat with the several tribes of Indians at that time infesting our borders. It is conclusively proven by undoubted authority, that under and by virtue of said commission he did repair to the frontier, and came in contact with several of said tribes, and returned home and reported the result of his trip, and was urgently solicited by the Executive again to visit the frontier, and to use all his endeavors to restore quiet upon our borders. Upon receipt of said request from the Executive, he set about making a second trip to the frontier, but such was the menacing aspect of several of the tribes, that he found it impossible to procure men to accompany him. Believing it to be a duty he owed his common country, and to carry out his mission he procured a quantity of goods at a cost of about three hundred dollars, such as were suitable for presents to the Indians, and with a valuable man worth at the time three hundred dollars, and a pack horse worth about eighty dollars; he left his home in Nacogdoches county for the Indian country, in the year 1838, accompanied by one man, a friendly

Indian, whom he took along as a guide and interpreter. From this trip he never returned, and witnesses testify that they heard and believe that he was set upon by a large body of wild Indians, killed and scalped; his goods and horses were captured by the savages.

And as your committee believe in the just and humane policy of our government to recompense the widows and orphans of those patriotic men who perished and sacrificed their lives in the service of the Republic, these facts, together with the evidence adduced, are unanimously of the opinion that petitioners claim is of a highly meritorious character, and should be paid, and have instructed me to report the following bill for her relief, and ask of your honorable body a favorable consideration, by passing the same.

All of which I herewith most respectfully submit.

SAM W. KIRK,

One of the Committee.

Report received and bill read first time.

Mr. Munson one of the same committee, reported as follows :

The committee on State Affairs, report back to the House a bill to incorporate the city of Matagorda, and recommend its passage; report received.

Mr. Navarro, Chairman of a select Committee, reported as follows :

The committee to whom was referred a resolution to enquire into the expediency of translation into the English language certain Spanish documents collected by Geo. Fisher Esq., and by him presented to the State, beg leave to report as follows :

The documents consist of Vols. V, VI, VII, of the *Diario del Gobierno*, which was the ministerial organ of the central government of Mexico, during the trying times of 1836 and 1837, and also volume I of the *Mercurio del Puerto de Matamoros*, which was the organ liberal, or democratic party of the States on the Rio Grande, for a portion of the same period. This collection will be of peculiar value to the historian who shall hereafter record the infancy, the growth, and maturity of Texan Independence.

In the columns of the *Diario* may be found all the official acts of Santa Anna's administration, together with contemporaneous reflections upon the thrilling events which were then in progress. Its leading articles throw much light upon the nature of the struggle then going on, giving a full exposition

of the objects and designs of the Central Government, the extent of its resources and the means by which it expected to enforce its despotic decrees. It is emphatically the history of the enemy written by himself, not after the event when he might at his leisure falsify facts to gloss over his iniquity ; but a programme of his bloody purpose. An intimate acquaintance with the history of those times, cannot fail to heighten our admiration for that little band of patriots who breasted the storm of war, and in spite of numbers, discipline and equipments, plucked the laurels from the brow of the Napoleon of the South, and placed the lone star high among the insignia of the world's nationalities.

The actors in these glorious scenes, originally but few, are fast passing away, but their heroic achievements will be admired among men while freedom has a friend, or chivalry a votary upon earth.

It should be the object of the present generation to preserve, and as far as possible to perpetuate everything that will throw light upon our early history. With this object in view, as well as to show a proper appreciation of the motives that prompted the donation, your committee are of opinion that the more interesting portions of these documents should be translated into the English language.

Accompanying this report your committee present a copy of the letter of George Fisher to the Secretary of State.

Your committee therefore beg leave to report the accompanying bill and recommend its passage ; report received and bill read 1st time.

A message was received from the Senate announcing to the House that the Senate had passed a bill for the relief of the Houston and Texas Central Railroad Company, and a bill to authorize the sale of the public domain, both originating in the Senate.

Mr. Brown, chairman of the committee on Counties and County Boundaries, acting with Senate's committee on Counties and County Boundaries, made the following report :

AUSTIN, January — 1858.

To the President of the Senate, and

Speaker of the House of Representatives :

The committee on Counties and County Boundaries, of the two Houses, sitting as a Joint Committee, have had under consideration numerous petitions for new counties and the

subject of county organization and boundaries generally. It is well known that from the irregular manner in which Counties have heretofore been created, great difficulties, frequent conflicts of boundaries and irritating contests for county seats have arisen and must continue to arise, unless the plan of creation be changed. In many cases counties have been established to suit individual interests in locating the county seats, in total disregard of existing boundary lines ; and hence a large portion of the organized divisions of the State, as exhibited in counties on the map, present such a mass of irregular and confused lines as to bewilder the beholder. And thus in many counties there have been local dissensions of a serious character in relation to county seats ; and another result is, that each session of the Legislature is appealed to, in the strongest terms for the formation of new counties, to be carved out of the corners and odds and ends of old counties, with petitions and counter petitions involving the most delicate local questions ; and experience abundantly proves that disputes growing out of such things are always exciting and frequently destroy the peace and good neighborhood of the people interested for years.

So far as the old counties are concerned, the evil has been inflicted, and cannot be remedied unless by special legislation, and in some cases that is impossible. But your committee, after mature consideration, and without a dissenting voice, have agreed upon a plan to avoid all such difficulties in the future organization of new counties on the frontier. They propose to embody in one bill all the counties now petitioned for, to which there is no objection in either House, by the delegations representing the territory ; and as near as possible to establish them with nine hundred square miles, and in one square form.

They propose, in a second bill to create twenty-three counties on the frontier, extending from the South Western corner of the State to Red River, being one and sometimes two counties deep, from counties otherwise existing. In fixing the boundaries of these, they have, where it could be done, made them thirty miles square, and in both bills the metes and bounds are made to call for each other continuously, so that there cannot possibly arise a conflict of lines, now or hereafter. The west lines of the outside tier of counties, ten in number, as proposed, form a due north and south line from the Nueces to Red River, and it follows that all the territory of the State

north and west of that line, can be hereafter laid off into counties of nine hundred square miles, and in square shape. The bill provides the circumstances under which, and the mode by which these counties may be organized, and provides a plan for locating their county seats which will ensure justice and permanence. It adopts, with two or three exceptions, a uniform rule of running the county towns to agree with the counties. The various names proposed, with perhaps three exceptions, are bestowed in compliment to deceased citizens of Texas, or from the principal stream draining a particular county. La-Salle, the discoverer of Texas and ex-President Jones, (the only ex-president not heretofore so remembered,) and the aged and gallant Colonel Cheshire, though the two latter are living, are complimented in this way.

The committee earnestly recommend these two measures to the favorable consideration of the Legislature. There is no doubt but such a plan would encourage the settlement of the frontier. Men would then locate in such counties—knowing their limits, and the position of the centre in each, information easily obtained from the Land Office or the Surveyor of the district. They would know, too, that the county lines were to be permanent; because, under the bill, the lines of one county are made dependent upon and connected with those of another, in such manner that no change would ever be sought, or could be granted without affecting others.

As before stated, the bills embrace no limits about which there is any conflict or difference of opinion, among those representing the territory; nor do they embrace any object but simply the creation and organization of the counties named in them.

The committees have avoided embarrassing a measure deemed of so much value and importance with any extraneous matter or local contest, by embracing within either of the bills any county proposed to be taken from counties now settled, excepting the proposed counties of Hardin and Zapata, for which there is abundant territory. Separate bills to create five of the eight counties provided for in the first bill, have already been favorably reported upon, in the one House or the other.

The committees, therefore, unanimously recommend the passage of the two accompanying bills, to wit:

In response to petitions, and as a substitute for pending bills to create Buchanan, Zapata, Archer, Hardin, and Hamilton counties. A bill to create the counties of Archer,

Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan. And secondly, with a view to future organization, A bill to create the counties of Concho, Wichita, Coleman, Dawson, Shackelford, McMullen, Eastland, Frio, Callahan, Zavalla, Edwards, Haskell, Knox, Hardeman, Dimmit, Baylor, Runnels, Jones, Wilbarger, LaSalle, Duval, Cheshire and Taylor. All of which is respectfully submitted.

H. E. McCULLOCH,
Chairman on Senate Committee.

JOHN HENRY BROWN,
Chairman on House Committee.

Reports received, and bills read 1st time.

On motion of Mr. Brown the rule was suspended, and the bill creating the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble, and Buchanan, taken up, read 2d time and ordered to be engrossed—rule further suspended, read 3d time and passed.

Mr. Kittrell, Chairman of the committee on Education, reported as follows:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on Education, to whom was referred the Joint Resolution proposing to amend the third Article of tenth Section of the Constitution, relating to the county school land, have instructed me to say that, after maturely examining the question in all of its aspects, they believe it would be the wisest and safest policy to give the Legislature some restraining action or power in regard to those lands, and that their action be subjected to the sanction of a majority of the legal voters in each county. In other words, that the school lands should be sold under such general direction as the Legislature may think proper to prescribe to the County Courts in reference to the disposition of their school lands, and, as a safeguard to the whole proceeding, it is thought best to give the ratification of the proceedings of both the Legislature and the County Courts to the voters of the counties. Another reason in permitting the Legislature to exercise some control over these lands, is, that the County Courts are but the creatures of the Legislature, and that system may be changed in the progress of the history of our State; and it may be necessary, under such circumstances, to invest the power of disposition or sale in some other tribunal.

Should this power be retained only in our organic law, then, in the event our County Court system should be changed, the objects contemplated by the proposed change in our Constitution, could only be effected by the slow progress of another amendment to the same.

The committee have, therefore, instructed me to report the accompanying substitute for the original Joint Resolution, and recommend its passage. Report received.

On motion the rule was suspended, and the report and substitute taken up and made a special order for the thirteenth instant.

On motion of Mr. Henderson of Harris, the rule was suspended, and a bill for the relief of the Houston and Texas Central Railroad Company taken up, read first and second times, and referred to the committee on Internal Improvements.

Mr. Price, by leave, presented the petition of M. F. Alexander; referred to the committee on Private Land Claims.

Mr. Howerton presented the petitions of William Smothers and Joseph Smith; referred to the committee on Private Land Claims.

Mr. Rainey, Chairman of the committee on Internal Improvements, reported as follows, on a bill to amend an act to incorporate Memphis, El Paso and Pacific Railroad Company.

TO THE HON. M. F. LOCKE,

Speaker pro. tem. of the House of Representatives :

The committee on Internal Improvements have examined the merits of a Senate bill, entitled an Act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved the fourth of February, 1856, and also the Act supplemental thereto, approved the fifth of February, 1856; also the merits of the House bill in reference to the same subject, and find that the former embraces all the provisions of the latter, and with the accompanying amendments, would recommend the same to the favorable consideration of the House, for the reasons following :

Your committee are deeply impressed with the conviction that works of internal improvement, of a general character, and of common benefit to the State, should receive a greater amount of Legislative encouragement than works of less importance. Indeed, the policy of bringing into existence, by

Legislative action, a multiplicity of enterprises limited in importance, is exceedingly questionable. The present condition of the State, wanting, as it is, in all the facilities of transportation, and wanting in the monied facilities necessary to supply these wants, in the estimation of the committee, impose the solemn duty upon the Legislature of adopting that course, in reference to works of internal improvements, which will secure an early completion of those routes most conducive to the public interests, and developing, in a higher degree, our internal resources, and thereby conferring the greatest good upon the greatest number.

The absence of capital in our own State, and the difficulty of inducing the investment of foreign capital in the railroad enterprises of Texas, beget a serious doubt as to the propriety of embracing a system of internal improvements, multifarious in its operation, and diversified in its character. The greater the number of these enterprises, the greater the distraction and diversity of public sentiment; and public attention, as well as public capital, becomes divided between contending routes; whereas, by the adoption of the policy of encouraging but a few well defined routes of common, general utility, both public attention and capital become concentrated, and the common energies of the whole State united, to furnish the facilities we so much require for the private and public weal. The benefits resulting from the road now under consideration, are supposed to equal, if they do not exceed, those of any other now in contemplation. This road proposes to span the State, from its eastern to its western border.

It appears that there are three important railroads converging to the same point, and now in course of construction, which will unite the varied sections of the Union—the south, the middle, and the north. The point of concentration for these routes is at the town of Fulton, on Red River, which is also the proposed terminus of the Memphis, El Paso and Pacific Railroad; and, in the event of the construction of those roads, together with the completion of this, our State will enjoy all the advantages conferred by the commerce, intercourse, and emigration from every portion of the Confederacy. There seems, now, to be almost a universal concurrence of opinion, based upon the report of the corps of engineers appointed to survey and report the most practicable route to the Pacific, that the route following the thirty-second parallel is the nearest and most feasible of any yet surveyed;

and, as this road proposes to follow as nearly as possible this line, it may yet become the great highway and thoroughfare from the Atlantic to the shores of the Pacific.

The committee hesitated as to the propriety of granting the extension, as asked by said bill, thereby authorizing said Company to hold up the reservation embraced in the original charter for an indefinite period ; but this hesitation vanished when, upon reflection, it was considered that the reservation was confined to the narrow limit of eight miles on either side of the line ; that provision will be made at the present session for the sale of the alternate sections, leaving only those reserved to the road exempt from settlement ; and, therefore, but a feeble obstruction will be offered to emigration. The objection was also obviated by amendment.

It also appeared, from the best evidence the committee could collect, that there was but little, if any, of the public domain embraced in said reservation east of the Brazos river, and in the populated portion of the State ; and, consequently, its extension can result in no detriment to that section.

And, in view of the magnitude and importance of the road, and the almost universal approbation accorded by the citizens resident upon and near the proposed route, the committee, with but one exception, have yielded their assent to the passage of the bill, with the attending amendments, and ask to be relieved from the further consideration of the House bill.

RAINEY,
Chairman.

Report received.

Mr. Ward, Chairman of the committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval, a bill to incorporate Indianola, and a bill to incorporate the Lynchburg Steam Saw-mill and Ship-yard Company ; report accepted.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed a bill to incorporate the town of Marlin ; report accepted.

The Secretary of the Senate announced that the Senate had passed a bill to adjust the boundaries of San Patricio and Nueces counties, originating in that Body.

ORDERS OF THE DAY.

A bill supplemental to and amendatory of an act to incorporate Herman University, taken up.

Mr. Burnett proposed the following proviso :

Provided, That Lager Beer shall not be used as a beverage by the students or professors thereof, or sold within three miles of the University building ; laid on the table.

Mr. Wælder offered the following as a substitute for the caption :

“An act to incorporate the New Braunfels’ Academy ;” adopted.

Also the following amendment :

Amend in such manner as that there is no connection with the original bill to incorporate Herman University, and striking out the land section ; adopted, and bill ordered to be engrossed.

Mr. Poag moved to strike out the seventh section.

Mr. Howerton moved to lay Mr. Poag’s motion on the table ; lost.

Mr. Wælder moved to reconsider the vote refusing to lay the motion on the table ; lost.

On motion, the House adjourned until 7½ o’clock—pending Mr. Wælder’s motion to reconsider.

7 o’clock, P. M.

House met pursuant to adjournment—roll called, no quorum present.

Mr. Bee moved to adjourn until to-morrow morning, 9½ o’clock.

The yeas and nays being demanded, the House refused to adjourn by the following vote :

YEAS—Messrs. Bee, Brown, Chance, Chilton, Clow, Fisher, Hardeman, Harris of Titus, Henderson of Cass, Jennings, Johnson, Joseph, Kinney, Lesueur, Merriman, Mills, Murrah, Poag, Powell, Rogers, Ross, Scott, and Ward—23.

NAYS—Messrs. Aycock, Burnett, Carroll, Collier, Crook, Doom, Evans of McLennan, Everett, Gaston, Harris of Guadalupe, Harrison, Hart, Kirk, Kittrell, Lacy, Lewter, Locke, Lloyd, Munson, Navarro, Norton, Price, Reeves, Roberts, Shannon, Walling, Waterhouse, and Wood—28.

Mr. Burnett moved a call of the House ; lost.

On motion of Mr. Price, the House adjourned until 9½ o’clock A. M., to-morrow.

AUSTIN, January 12th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

On motion of Mr. Howerton, Mr. Hall was excused from attendance on the House on account of sickness.

On motion of Mr. McKenney of Hopkins, Mr. Bishop was excused from attendance on the House on account of indisposition.

Mr. Norton presented the petition of Nathaniel Dougherty, W. H. Pyle, and 90 other citizens of Kaufman county; read and referred to the committee on Counties and County Boundaries.

Mr. Scott presented the petition of the citizens of Collin county, asking that an additional county tax may be levied; read and referred to the committee on State Affairs.

Mr. Burks presented the petition of sundry citizens of Red River county, praying for additional compensation for clerks and sheriffs in certain cases; read and referred to the committee on the Judiciary.

Mr. Burks also presented the petition of sundry citizens of Red River county, praying that the time for returning field notes and certificates of land surveyed; read and referred to the committee on Public Lands.

Mr. Kirk presented the petition of the heirs of Mathew Strahearn, dec'd, for relief; read and referred to the committee on Private Land Claims.

Mr. Lee presented the petition of the heirs of A. C. McFarland, for relief; read and referred to the committee on Claims and Accounts.

Mr. Lewter presented the remonstrance of the citizens of Smith county, against changing their county boundary; read and referred to the committee on Counties and County Boundaries.

Mr. Mills presented the petition of A. H. Brantly; read and referred to the committee on the Judiciary.

Mr. Scott presented the petition of sundry citizens of Collin county, asking that an additional county tax may be levied; read and referred to committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Mills, chairman of the committee on Claims and Accounts reported as follows:

Hon. F. M. LOCKE,

Speaker pro tem of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the memorial of William M. Spaulding, of Liberty county, for reimbursement of money and labor laid out under a charter granted to him, and which was repealed. The facts seem to be these :

The Legislature, December 20, 1851, granted to Spaulding a twenty years charter, to deepen the Anahuac Pass, so called, at the mouth of Trinity River, and to remove obstructions to its navigation, &c.; that Spaulding should have power to levy and collect toll, from steamboats carrying freight through the pass, at the rate of five cents a bale for cotton, five cents per head for cattle and horses, two and a half cents per barrel for all other freight except wood and lumber, when he shall have obtained through said pass one foot greater depth than exists on the bar of any of the unimproved outlets of Trinity river ; that when a depth of two feet greater than exists on the bar of any of the other passes was obtained, the rates of toll were increased to ten cents per bale for cotton, ten cents per head for cattle and horses, and five cents per barrel for all other freights except wood and lumber. A provision was made in the charter for a reduction of the tolls after five years from its passage.

It appears that the charter was granted at the instance of many merchants of Galveston, steamboat-men, and citizens of Liberty county. The committee are satisfied that Spaulding began the work in good faith, even before the charter was granted, and continued it under the charter—expended about one thousand dollars and nearly twelve months labor. We have the assurance of William Fields, State Engineer, that Spaulding had cut a channel of considerable depth and width, perhaps half across the bar in the Anahuac Pass. From some unaccountable cause, the Legislature repealed the charter at the same session, February 16th, 1852, notwithstanding Spaulding was prosecuting the work with vigor. The prospective advantage to Spaulding, under his charter, the committee think was considerable, arising from the increased trade down that river. By repeal he has lost his labor and money expended. There was no pretence of forfeiture ; no compensation has been made for taking away this franchise, as provided by the 31st section, 7th Article of the Constitution, and

we believe a sound construction of that instrument requires compensation should be made for the labor and money expended, and some allowance for the prospective profits. As some remuneration, we suggest that one thousand dollars and one third of a league of land be appropriated for Mr. Spaulding's benefit. We therefore recommend the passage of the bill here reported.

Report received and bill read first time.

Mr. Lewter, chairman of the committee on Roads, Bridges and Ferries, made the following report:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Roads, Bridges and Ferries, have examined the petition of sundry citizens of Harrison and Upshur counties, praying that the division line between said counties be slightly changed, so that the County Court and citizens of Upshur county may be enabled to construct and keep in order a free public bridge, across Big Cypress, at McBride's crossing, on said stream, and they ask leave to report, that in the opinion of the committee the object sought in said petition is worthy of high consideration and speedy action by this House. The facts submitted are some of the reasons offered by the committee for the above statement. The crossing known as McBride's crossing, on Big Cypress, is the best, if not the only one at which loaded wagons can cross the said stream for ten miles, either above or below, when the roads are in bad order, or during the spring, after heavy rains. And the main thoroughfare, leading from the counties of Wood, Van Zandt, Hopkins, Lamar, Fannin, and other counties, through Upshur county, crosses the said Cypress at this point, and have hitherto crossed in a Ferry Boat, which does not only cause much delay, but is a grievous expense to the travelling community. And in connection with the fact just stated, the committee would further state that the road leading into the said crossing, for some half mile before reaching the Ferry and proposed bridge site, is situated in Harrison county, and there is no citizen residing in Harrison county who lives near enough to the same to help keep it up, or to help keep a bridge in repair after being constructed ; but that the portion of territory proposed to be detached from Harrison, and attached to Upshur county, belongs to two citizens of Upshur, both of whom petition for the change, as well as in the opinion of the

committee all of the citizens residing near that point in Harrison county.

In view of which facts, the committee recommend the following bill, and ask that as it has been long delayed, and as, if it passes, it is necessary to pass it in time for the County Court to act upon the same at its February term. Respectfully submitted.

Report received and bill read first time.

Mr. Evans of McLennan introduced a bill to amend an act creating the county of Comanche and an act amendatory thereto ; read first and second times and ordered to be engrossed ; rule suspended, read third time and passed.

Mr. Price introduced a bill concerning Boatmen and Ferry-men ; read first and second times and referred to the Judiciary committee.

Mr. Burnett introduced a bill to incorporate the Crockett Female Academy ; read first and second times and referred to committee on State Affairs.

Mr. Aycock introduced a bill to provide for the payment of costs and fees allowed by this State to clerks, sheriffs and peace officers ; read first and second times and referred to the Judiciary committee.

Also, a bill to authorize the District Surveyor of Robertson Land District to transcribe certain records into well bound books ; read first and second times and referred to the committee on the Judiciary.

Mr. Collier introduced a bill to change the name of Fannie M. Watson to Fannie M. Day, and make her a lawful heir of Eli A. Day ; read first and second times and referred to the committee on the Judiciary.

Also, a bill for the relief of E. A. Whittlesy ; read first and second times and referred to the committee on Claims and Accounts.

On motion of Mr. McKenney of Hopkins, the following Senate bills were taken from the Speaker's table, read first and second times and referred as follows, viz :

A bill to authorize the sale of the public domain ; referred to the committee on public Lands.

A bill to authorize the Commissioner of the General Land Office to issue patents upon locations made upon Kemper's Island, on the Guadalupe river ; referred to the committee on Public Lands.

A bill for the relief of Mary A. Collins ; referred to the committee on Private Land Claims.

A bill for the relief of Wm. DeWoody ; referred to the committee on Private Land Claims.

A bill to ascertain what land certificates have been illegally issued by the county courts of counties in Peters' Colony, and to provide for issuing patents on such of said certificates as are legal ; referred to committee on Public Lands.

A bill supplementary to an act to give to each corporate county in this State its own county Surveyor, map and records ; referred to committee on State Affairs.

A bill for the relief of A. T. Pickett, of Dallas county ; referred to the committee on Private Land Claims.

A bill for the relief of Wm. J. Whiting ; referred to committee on Public Lands.

A bill for the relief of Moody and Dohme ; referred to committee on Claims and Accounts.

A bill for the relief of the Texas Western Railroad Company ; referred to the committee on Internal Improvements.

A joint resolution relative to Hon. John C. Watrous ; referred to the Judiciary committee.

The following Senate bill taken from the Speaker's table, read first and second times and passed to third reading : rule suspended, read third time and passed, viz :

A bill to readjust the boundaries of San Patricio and Nueces counties.

Mr. Evans of McLennan, by leave, introduced a bill to allow the County Court of Bell county to levy a special tax ; read first and second times and referred to committee on State Affairs.

A resolution to prohibit the reception of a message from the Senate, while the floor was occupied by a member, taken up, and on motion of Mr. Chilton, indefinitely postponed.

A bill to incorporate the town of Marlin taken up ; read third time and passed.

Question pending when the House adjourned yesterday, viz : Mr. Wælder's motion to reconsider the vote refusing to lay Mr. Poag's amendment to a bill to amend an act to incorporate Harmon University, on the table, taken up and vote reconsidered.

Mr. Howerton, by leave, withdrew the motion to lay on the table.

On motion of Mr. Chilton, the main question was ordered,

which being the final passage of the bill, the same was put, and bill passed by a constitutional majority.

A message was received from the Senate, announcing that the Senate had concurred in the 1st amendment of the House, and refused to concur in the other amendments, to a bill supplemental to and amendatory of an act to ascertain the legal claims for land and money against the State, passed August 1st, 1856.

Mr. Rainey introduced a bill to incorporate the town of Kickapoo, and certain limits therein described ; read first and second times and referred to committee on State Affairs.

Mr. Kittrell introduced a bill to loan the escheat of Junius Phillips' lands to the county of Madison ; read first and second times and referred to committee on State Affairs.

Mr. Higgins presented the petitions of F. W. Gaffi and T McKean ; both referred to the committee on Private Land Claims.

A resolution relative to the Indians in Polk county, with a substitute for the same, taken up and adopted.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly engrossed, a bill creating the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan. Report accepted.

Mr. Ward, one of the committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval, a bill to create the county of Throckmorton. Report accepted.

A bill for the relief of pre-emption settlers, with substitute for same, taken up.

Mr. Witt proposed to amend as follows :

“ Provided that the provisions of this act shall extend and accrue to the benefit of those who settled under the provisions of an act donating to settlers on vacant public domain 160 acres of land, approved February 13th, 1854.”

On motion of Mr. Henderson of Harris, the bill and amendment was referred to the Judiciary committee.

Mr. Lee moved to adjourn until 7 o'clock, P. M.; lost.

On motion, the House adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Hart moved to suspend the rule and take up the Court of Claims bill ; carried.

On motion of Mr. Wood, the House insisted on its amendments, with which the Senate refused to agree, and a committee of Conference was appointed on the same, consisting of Messrs. Hart, Wood and Ward.

On motion of Mr. Fisher, a bill to attach a part of Trinity county to Walker county was taken up and ordered to be engrossed ; rule suspended, read third time and passed.

On motion of Mr. Dennis, the rule was suspended, and a bill to authorize Wharton county to levy a special tax taken up and passed to a third reading.

Mr. Doom proposed to amend 1st section so as to make it read : “ of resident citizens of Wharton county.”

On motion of Mr. Henderson of Harris, laid on the table.

Mr. Henderson of Harris moved the previous question.

Mr. Poag moved a call of the House ; lost.

Main question ordered, and bill passed by a vote of 52 yeas to 14 nays.

A bill supplemental to and amendatory of an act providing for the support of Schools, approved August 29th, 1856, taken up.

A message was received from the Senate, announcing to the House the passage of the following House bills :

A bill to restore Thos. Hoskins to his civil rights ;

A bill to amend an act to define the 1st Judicial District, and fix the time of holding courts therein ;

Joint resolution for the relief of C. A. Frazier and A. W. Terrell ;

A bill for the relief of Zippon Whitesides and the heirs of Henry Whitesides, with an amendment ;

Joint resolution relative to Indian spoliations, with an amendment ; and

A bill originating in the Senate, to define the time of holding courts in 2d Judicial District.

Mr. Hart moved to amend by adding :

“ Sec. 10th. And that this act shall take effect and be in force from and after the 31st day of August, A. D. 1858.”

The House refused to adopt the amendment.

Mr. Locke proposed to amend the School bill as follows, to come in after the words “ attended school,” first section, 12th line :

“ Provided, that children attending school for the term of

three months shall be entitled to as much of the common school fund as those who attend school the whole year."

Mr. Norton moved to recommit the bill.

On motion of Mr. Kittrell, the House adjourned until 9½ o'clock, A. M., to-morrow—pending, Mr. Norton's motion to recommit the bill.

AUSTIN, January 13th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Everett presented the petition of W. A. Warner ; referred to committee on Court of Claims.

Mr. Price presented the petition of James Robinson ; referred to committee on Private Land Claims.

Mr. Evans of Austin presented the petition of Jas. Lasly ; referred to committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Bee, chairman of committee on State Affairs, reported a bill to incorporate the Adelphi Society, and recommended its passage ; report received and bill read first time.

Reported, recommending the passage of a Senate bill to incorporate the Western Texas, Life, Fire and Marine Insurance Company, of the city of San Antonio ; report received.

Also—

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on State Affairs have examined the petition of S. W. Fisher, and report, that the petitioner is the assignee of J. W. Byrne, who located in 1849 on Shell Island and Shell Island Reef, in Matagorda Bay, with a certificate of Toby Scrip ; that the Commissioner of the General Land Office refused to patent the same, because the Islands were reserved from location ; that he is the owner of the league fronting the said Reef and Shell Island, and prays that the said location may be released and confirmed by the State to him.

The committee report that the previous session of the Legislature released to the locators on the Islands of the coast all surveys under the Toby Scrip, and this case is of the same na-

ture. The Island and Reef is generally covered with water, and can be of no use to the State ; they therefore recommend the passage of the accompanying bill.

Report received and bill read first time.

Mr. Bee also reported as follows :

COMMITTEE ROOM. }
January 12th, 1858. }

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on State Affairs herewith report a bill providing for the purchase of the Alamo Monument.

The committee are informed that the Monument which is now in the vestibule of this Capitol was executed some years ago by Mr. Nangle, a sculptor of great taste and skill, out of the stone of the Alamo ; that when finished, it was carried to New Orleans, and after some time, sold at auction in that city, for storage expenses, and bought by Messrs. Leach & Cavanaugh, who transported it to this city in 1853, and placed it where it now stands. An application was made to the Legislature at the session of that year to purchase that monument for the State ; but no action appears to have been taken by that, nor by any subsequent session, up to the present time.

Under these circumstances, the committee are desirous to pay Messrs. Leach & Cavanaugh a liberal compensation for their outlay in this purchase, and give the remainder to the widow and children of the sculptor, who we are assured received no benefit from this work.

We are not advised that this arrangement will be acceptable to the parties, but it is the only one that the committee will agree to.

This beautiful specimen of art should belong to the State, commemorative as it is of that event which rivals in history the devoted sacrifice made for their country by the Spartans at Thermopylæ. "Tell it at Lacedemon that we die in obedience to her laws," was the inscription on their monument, and one which time will never efface. But history will also tell that Thermopylæ had her messenger of defeat ; but the Alamo had none. A monument has been reared in the hearts of the people, which will last when the things of to-day, be they of brass or stone, will have crumbled and gone, and ages yet unborn will point to the holy immolation of those few patriots at the Alamo, as a sacrifice which only the sons of free-

dom know how to make; and time will but serve to wreathe a brighter and more enduring fame for the men of the Alamo.

Time is rapidly effacing the living memorials of the scenes by which our independence was established. The Alamo—where Travis, Crockett, Bowie, Bonham, and others fell—where every man of the Garrison died that Texas might live—is now a storehouse for army rations. It ought to belong to the State, and on the same spot where the spirit of those patriots ascended to their God, there should be a monument towering towards the skies, and inscribed on its broad base should be but the simple sentence: “REMEMBER THE ALAMO.” It was the war cry at San Jacinto, and nerved the arms and cheered the hearts of that gallant band, who struck down with a freeman’s blow the reign of despotism and tyranny in this fair land.

We recommend the passage of the bill.

H. P. BEE,
Chairman.

Report received.

On motion, the rule was suspended, and the report taken up; adopted, and bill read second time and ordered to be engrossed.

On motion of Mr. Evans of McLennan, the main question was ordered, which being the passage of the bill, the same was put, and the bill passed by the following vote:

YEAS—Messrs. Aycock, Bee, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Clow, Collier, Craig, Dalrymple, Dennis, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Holland, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Lacy, Latham, Lee, Lesueur, McKenney of Hopkins, McKinney of Travis, Merriman, Mills, Munson, Murrah, Poag, Powell, Price, Rhodes, Roberts, Rogers, Ross, Scott, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw and Walling—58.

NAYS—Messrs. Barnard, Burnett, Crook, Doom, Gaston, Hart, Hicks, Lewter, Locke, Lloyd, Norton, Runnels, Ward, Waterhouse and Witt—16.

A message was received from the Senate, announcing the passage of a bill to amend the 4th section of an act to provide for the investment of the Special School Fund, and joint resolution as to Mail Routes.

Also a bill to authorize the governor to draw and distribute the arms and accoutrements from the United States Government to which the State of Texas is entitled, with an amendment.

Mr. Buckley, chairman of committee on Private Land Claims, reported a bill for the relief of Eglington Dickey, and recommended its passage ; report received and bill read first time.

Also reported a bill for the relief of John Moore, and recommended its passage ; report received.

Mr. Kirk of the same committee reported recommending the indefinite postponement of a bill for the relief of George P. Dykes, there being no proof to sustain the claim ; report received.

Also reported unfavorably upon the petition of Jacob Winston, George and Elmira Wilcox , report received.

Mr. Ross, one of the same committee, reported rejecting the petition of Aaron Farris. The proof bearing the impress of fraud, and the statements contradictory ; report received.

Also reported, asking to be discharged from a further consideration of the petition of Wm. W. Montgomery ; report received.

Also reported a bill for the relief of William Cregg ; report received, and bill read first time.

Also reported, asking to be discharged from the further consideration of the petition of William Smothers and Joseph Smith ; report received.

Mr. Hardin, one of said committee reported against the petition of William S. Pate, the proof not being sufficient ; report received.

Also reported a bill for the relief of the heirs of Samuel Penrod, and recommended its passage ; report received and bill read first time.

Mr. Rhodes, one of the committee on claims and accounts reported asking to be discharged from a further consideration of the petition of James E. Brady ; report received.

Also, reported adversely to the claim of David and Jesse Holdeman, and asked to be discharged from its further consideration ; report received.

Mr. Price, one of the committee on claims and accounts reported unfavorably upon a bill for the relief of George Gordon, there being no facts to sustain the same ; report received.

Mr. Gaston, one of the same committee reported a bill for

the relief of Thomas H. Mays, and recommended its passage ; report received and bill read first time.

Mr. Ward, chairman of committee on enrolled bills reported correctly enrolled, properly signed, and presented for executive approval :

A bill to incorporate the preachers aid Society of the East Texas Conference ; report accepted.

Mr. Ward one of the committee on Judicial Districts, reported recommending the passage of a Senate bill, to organize the 8th Judicial District, with amendments ; report received.

Mr. Buckley, Chairman of Committee on Judicial Districts reported a substitute for a bill to organize the 17th Judicial District, and fix the times of holding District courts therein ; report received.

On motion of Mr. Buckley, the rule was suspended, and report and bill taken up, and bill ordered to be engrossed—rule further suspended read third time and passed.

Mr. Craig, one of the committee on Education, submitted the following minority report, on the proposition to change the Constitution, so as to allow the sale of the school lands :

AUSTIN, January 12th, 1858.

To the Speaker of the House of Representatives :

A small minority of the committee on education, to whom was referred the Joint Resolutions proposing to expunge that portion of the Constitution which prohibits the sale of the School lands heretofore donated by the various counties for purposes of education, differing with a majority of said committee, make the following report, in which they incorporate some of the principal reasons that have induced them to dissent.

The subject of popular education engaged the attention of the people of Texas at a very early day in the history of the Republic. In the formation of her Constitution, the subject was largely discussed, and that instrument provides, (5th Section, General Provisions) that it shall be the duty of Congress to provide, as soon as convenient, a general system of education. From this very clause, it is apparent that the framers of it, fully appreciated the condition of the country at that time, and saw that nothing could be done, further than lay the foundation upon which those who succeeded them could build.

Accordingly, Congress, in 1839, appropriated to the various

counties, each, three leagues of land for the purposes of education, and provided that these lands should never be sold or otherwise disposed of save by lease, and that for a limited term of years.

Can it be supposed that that Congress imagined for a moment that these lands would be of any immediate avail for the great purposes they had been set aside from the public domain? Can it be supposed that it was imagined that they could be leased then or for long years to come?

A moment's reflection upon the condition of the country and the circumstances which surrounded the men of that Congress, must, we think, convince every one that they were legislating, not for the then present, but for the future. That they felt that, although they could not at that day, do any thing for the great cause of the diffusion of knowledge amongst the masses of the people, yet, that by a wise enactment, they could lay the foundation for a system of general education, which if patiently and carefully developed, would one day afford a permanent fund for this purpose, such as has not often fallen to any community. Such were the motives that actuated them in declaring these lands inalienable,

By a subsequent law another league of land to each county was added to the three leagues, which made the four leagues to each county.

The Convention that framed our State Constitution found these lands in this condition. And seeing and appreciating the wisdom of the restriction in the Act of 1839, and, doubtless supposing that these lands might not be entirely safe from *private enterprise*, saw proper to throw the broad shield of the Constitution around them, and thus more perfectly secure the great object intended by the Congress of 1839.

Such has been the settled policy in reference to them ever since, down to the present time. The minority deem it a wise policy and would deprecate a change.

These lands, although much more valuable now than when they were appropriated, are still rapidly increasing in value; and when we consider the many potent influences which are now operating to the development of the resources of this State—the building of rail roads, the clearing out of our rivers, the constant stream of immigration that is pouring in upon our shores from the older States and from the Old World—with the fact that we possess almost the only unappropriated cotton-growing land on the continent, we are constrained to be-

lieve that it would be most unwise to tear away the Constitutional restriction and open up these lands to sale and speculation.

The minority, after a careful consideration of this subject, are fully persuaded that it will be much better to pursue the past policy in this respect than to change it. For if this vast amount 480 leagues of land are thrown upon the market now, that the Government is selling land certificates at fifty cents per acre, that the railroad Companies are disposing of their land certificates for less even than that—they would surely be sold at a great sacrifice—little more indeed, in all probability, than would defray the expense of sectionizing and selling them.

Thus would be forever frustrated the wisdom of our predecessors—thus blighted, to a great extent, the hopes and prospects of the cause of popular education in this State.

WM. R. POAG,
E. T. CRAIG,

Members of the Committee.

Report received.

Mr. Munson, one of the committee on Internal Improvements made the following minority report, on a bill to amend an act to incorporate the Memphis, El Paso, and Pacific Railroad company, approved February 4th, 1856 :

Hon. W. S. TAYLOR,

Speaker of the House of Representatives.

AUSTIN, January 13th, 1858.

The committee on Internal Improvements, to whom was referred a Senate's bill, entitled an act to amend an act, to incorporate the Memphis, El Paso, and Pacific Railroad Company, approved 4th February, 1856, and have examined the same, and having listened to elaborate reasoning offered by gentlemen of consummate ability, and high position, the majority of your committee were pleased to make a favorable report, but dissenting from the majority, I ask to submit the following minority report. The original charter granted 7th February, 1853, I have not been able to obtain. Said charter was repealed 4th February, 1856, three years after it was granted, and a new charter at that time approved, which charter I regard as one of the most remarkable ever granted by this or any other State. The road thus chartered is about seven hun-

dred miles in length, extending through the northern part of our State from east to west.

Sixteen sections of land to the mile is donated, embracing a reservation eight miles in width on both sides of the road.— It is also provided that this road receive the benefit of the loan, from its beginning, as far as the Trinity river, a distance of 200, or 250 miles, amounting to 1,200,000 of the School fund.

It is provided that the company shall grade one hundred miles of road within four years from 1st of March, 1856, “That said Company shall, within the same time survey, sectionize and number all the sections, and fractional sections of vacant land within their reservation,” and also in said time deposit a correct map of the said work in the General Land Office, and if they fail to comply with the above stipulations, they shall forfeit all rights in said reservation.

In consequence of these stipulations the charter of 1856 was granted. The company now ask to be relieved from the performance of all these conditions, and that too, without incurring a forfeiture.

There is no provision contained in this charter requiring the company within any period of time, to have even one mile of road in complete running condition, but the whole matter rests upon a contingency that may, or may not happen within the next two hundred years.

The twenty-first section of the corporate act provides, “that no sale of this charter or its franchise shall be made except by a vote of four-fifths of the stock holders thereof.”

By a supplemental act passed August 25th, 1856, this section was amended, so as to prevent the stock holders from making a sale of the charter or franchise. The amendment now sought seeks to repeal this restriction, whereby the stockholders may sell their charter. If the stockholders desire to speculate upon the bounty of the State, it is somewhat remarkable that they should urge the Legislature to aid them.

The bonus given by the State of Texas to this company, is 10,240 acres of land per mile, and for the entire road 7,168,000 acres, which, if valued at \$5 per acre will give \$35,840,000.

I am aware that the true interest of the State demands that railroads should be liberally aided ; her peculiar locality, and immense resources claims the agency of steam to open up a highway for commerce. Nor should an earnest effort be want-

ing upon our part, to secure to our gallant young State the multifarious benefits to be derived from the contemplated Pacific road bisecting our limits.

But is it wise for the State to disfranchise herself and place her munificence in the hands of a corporate few, and thereby enable them to control this great, I might say, national enterprise, bending a measure of general interest to the bargain of an individual.

I trust the bill will not pass.

M. S. MUNSON.
One of the Committee.

Report received.

Mr. Jennings chairman of the Judiciary committee made the following report :

TO THE HON. W. S. TAYLOR,

Speaker of the House of Representatives :

The Judiciary committee, to whom was referred the Senate's amendments to the penal code, and other matters relating to said Code, beg leave to report back so much of the same as relates to the Penitentiary and House of Correction, and the principles of organization and rules for the government of the same, and recommend their reference to the committee on the Penitentiary ; report adopted.

On motion of Mr. Chilton, the Sergeant-at-arms, Benjamin F. Parks was excused from attendance on the House for one hour.

On motion of Mr. Lee the following Senate bills were taken from the Speaker's table, and disposed of as follows, viz :

A bill to be entitled an act to define the time of holding the courts in the second judicial district ; read first and second times, when

Mr. Lee offered the following amendment :

Amend, by striking out of the 5th line in 1st section after the words (on the) the word *second*, and insert the word *first*, and after the word session in the 7th line 1st section, strike out the word *two* and insert *three* ; adopted.

The bill then passed to a third reading, rule suspended, read third time and passed.

A bill to be entitled an act to amend the 4th section of an act to provide for the investment of the special school fund was taken up.

Mr. Buckley moved to refer to the committee on Internal Improvements ; lost.

Mr. Everett moved to refer the bill to the committee on Education.

On motion of Mr. Kittrell, the bill and House bill with same purposes, were made special order for Friday, fifteenth instant.

A Joint resolution, instructing our Senators and Representatives in Congress to use their exertions in procuring the establishment of a mail route by stage from Marshall, in Harrison county, to Dallas, in Dallas county, *via* Gilmer, in Upshur county, Quitman, in Wood county, and Greenville, in Hunt county ; read first and second times, and passed to a third reading ; rule further suspended, read third time and passed.

On motion of Mr. Wælder, the following bill, originating in the House, with an amendment from the Senate, was taken from the Speaker's table :

“A bill to be entitled an act authorizing the Governor to draw and distribute the arms and accoutrements from the U. S. Government to which the State is entitled.” Amendment of the Senate concurred in.

On motion of Mr. Kinney, “A bill relative to the Aransas Bay Improvement Company,” was taken up and made the special order for Monday next.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills, originating in the Senate, viz :

A bill to be entitled an act for the relief of the widow and heirs of James W. Majors, deceased ;” and

A bill to be entitled an act to incorporate the German Free School Association of the city of Austin,” originating in the House, with an amendment from the Senate.

On motion of Mr. Kittrell, the House proceeded to the consideration of the unfinished business of yesterday, viz : “A bill amendatory of an act for the support of schools.”

The question pending on adjournment was the motion of Mr. Norton to recommit the bill.

Mr. Norton withdrew, by leave, the motion to recommit.

The question then recurred on the adoption of Mr. Locke's amendment ; when

Mr. McKinney offered the following as a substitute for the same, viz :

“Sec. 10. That, after paying for the tuition of such children as provided for in the 1st section of this act, the *pro rata* shall be an equal distribution of the school fund to the education of each child who shall attend public schools for a term of not less than three months ; provided, however, that not more than ten cents per day, for the days each child shall attend public schools, shall be paid towards the tuition of any one child.”

Mr. Evans of McLennan moved to lay the substitute and amendment on the table ; whereupon,

On motion of Mr. Locke, a division of the question was ordered.

The question then being on the motion to lay the substitute offered by Mr. McKinney of Travis on the table, the same was put and carried.

The question recurring on laying Mr. Locke's amendment on the table, the same was put, and the amendment was laid on the table by a vote of 51 yeas to 21 nays.

Mr. Witt offered the following amendment, to come in at the end of the 9th section :

“Provided that teachers, proposing to teach a school under the provisions of this act, shall undergo an examination before two persons, to be appointed by the Chief Justices of the several counties in this State ; and the certificate of the persons thus appointed, to the effect that he is competent to teach a school under the provisions of this act, shall authorize him to proceed to teach ; and otherwise he shall not be allowed to teach a school under the provisions of this act.”

Mr. Norton offered the following as a substitute for Mr. Witt's amendment .

“Sec. 10. That there shall be appointed, by the County Court of each county, a Board of School Examiners, consisting of three persons, who shall, upon examination, examine all persons proposing to teach public schools within the limits thereof ; and upon finding, upon such examination, such applicants properly qualified to discharge the duties of teacher, shall grant him or her a certificate, stating the branches he or she is qualified to teach ; and no person shall draw any of the money set apart for school purposes, under the provisions of the school law, unless authorized by certificate herein provided to teach a public school.” Adopted.

[MR. RAINEY IN THE CHAIR.]

On motion of Mr. Locke, the House resolved itself into a committee of the whole on the bill.

[MR. BEE IN THE CHAIR.]

The committee arose and reported as follows :

That the committee had adopted the 1st section of the bill.

In the sixth line of the 2nd section, strike out "child," and insert "scholar."

Third section substituted as follows :

"The sixth section of the above recited act shall hereafter read as follows, viz : "The county Treasurer of each county shall give bond, with two or more securities, payable to the county, in twice the amount of the school fund to which the county shall be entitled, so soon as the Chief Justice shall be notified, by the Treasurer of the State, of the amount to which his county is entitled ; which bond shall be conditioned that he will well and faithfully keep an account of the money to him committed as a school fund for his county, and pay over the same only upon the order of the Chief Justice of the county, under his hand and the seal of the County Court. He shall keep an accurate account of all the monies received and paid out by him ; to register and number all orders by him paid or accepted to be paid. He shall, between the first and tenth of the fiscal month of the treasury of each year, renew his bond ; and all suits upon such bonds shall be in the name of the county ; and in other respects, they shall be governed by the laws regulating the bonds of County Treasurers."

The fourth section was substituted as follows :

"Sec. 4. The seventh section of the above recited act shall hereafter read as follows, to-wit: "The Treasurer of the State shall be *ex-officio* Superintendent of Schools. It shall be his duty, after the first day of the fiscal month in each and every year, to record the abstracts of children of lawful age in different counties ; apportion the monies, as herein contemplated—distributing to the several counties the amount to which each is entitled, according to its scholastic population. And it shall be the duty of the Treasurer to keep a correct account of all the monies, and matters appertaining to the school fund, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, distribution of monies, and such suggestions, in regard to the school system, as may be deemed advisable. That the fiscal scholastic year shall commence and end upon the fiscal year of

the State Treasury. That the County Court of each county, after ascertaining the scholastic population, shall make a return of the same to the State Treasurer, who, upon the order of the County Court, under the seal of their offices, in favor of the County, pay over to the said County Courts their distributive shares of the interest of the school fund."

Fifth section stricken out.

The sixth section substituted as follows :

"That the County Courts shall allow, as the regular rate of tuition, a sum not to exceed ten cents per day for each scholar who may take the benefit of this act, and the act to which this act is a supplement."

Seventh section adopted.

Eighth section adopted.

Ninth section adopted.

Tenth section adopted.

The following Section added :

Sec. 11. The eleventh Section of the above recited act shall hereafter read as follows, to-wit : The provisions of this act shall extend only to such children as are actually sent to schools of the State, and no school shall be entitled to the benefits of this act unless the English language is the principal medium imparting instruction therein.

On motion of Mr. Bee, the amendments of the committee were adopted, and the bill ordered to be engrossed ; rule suspended, bill read third time and passed.

Mr. Reeves moved to adjourn until 7 o'clock, P. M.—lost.

Mr. Price moved to adjourn until 9½ A. M., to-morrow—lost.

Mr. McKinney of Travis, introduced a bill creating a Board of Trustees for the management of the State Library ; read first and second times and referred to the committee on Education.

On motion, Mr. Jennings was added to the committee of Conference on amendments to Court of Claims bill.

Mr. Fisher introduced a resolution relative to U. S. Coupon Bonds.

On motion, the House adjourned until 7½ o'clock P. M.

Pending the adoption of Mr. Fisher's resolution.

7½ o'clock, P. M.—House met pursuant to adjournment—roll called—quorum present.

Question pending, viz : Mr. Fisher's resolution taken up, and on motion, referred to Stock and Stock Raising committee.

Mr. Buckley, Chairman of committee on Judicial Districts reported, recommending the passage of a bill defining the time of holding Courts in the 12th Judicial District ; report received.

On motion, the rule was suspended and the bill taken up, read third time and passed.

On motion of Mr. Chilton, the rule was suspended and a bill to authorize the Clerk of the County Court of Smith county to transcribe certain records ; read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

Mr. Wælder, one of the committee on State Affairs, reported recommending the passage of a Senate bill to incorporate the town of Rusk ; report received.

Mr. Rainey moved to suspend the rule and take up a Senate bill for the relief of the widow and heirs of J. W. Majors, carried, and bill taken up, read first and second times.

Mr. Chilton, proposed to amend as follows : " Provided, that the surveying and patenting fees shall be paid as in other cases," adopted.

Mr. Everett moved to refer the bill to committee on Private Land Claims—lost ; and bill passed to third reading ; rule further suspended, read third time and passed.

Mr. Witt moved a suspension of the rule in order to take up a bill to incorporate Dallas Lodge, No. 44, I. O. O. F., carried, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed by a two-third vote.

On motion of Mr. Burnett, the rule was suspended and a bill to prolong the time of holding the regular quarterly terms of the County Courts for the transaction of county business, taken up.

Mr. Harrison offered the following amendment : Provided, that the provisions of this act shall extend to Houston county only ; laid on the table.

Mr. Hart proposed to amend by excepting the county of Hunt ; laid on the table.

Mr. Lee moved to re-commit the bill—lost.

Mr. Evans of McLennan, proposed to amend by exempting the counties of McLennan, Bell, Coryell, Bosque, Erath, Comanche, Palo Pinto and Lampasas, from the operations of the bill ; on motion of Reeves laid on the table.

Mr. Ross proposed to amend by extending the time to the February term of the Court only ; laid on the table.

On motion of Mr. Kinney, the main question was ordered, which being the passage of the bill to a third reading, the yeas and nays were demanded and stood thus :

YEAS—Messrs. Aycock, Barnard, Brown, Buckley, Burnett, Chance, Cleveland, Clow, Collier, Craig, Crook, Dalrymple, Edwards, Evans of Austin, Everett, Fisher, Gaston, Hardin, Harris of Guadalupe, Haynes of Starr, Henderson of Cass, Higgins, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Locke, McKinney of Hopkins, Merriman, Murrah, Norton, Poag, Powell, Rainey, Reeves, Roberts, Runnels, Scctt, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Ward, Waterhouse and Witt—54.

NAYS—Messrs. Bee, Burks, Carroll, Chilton, Evans of McLennan, French, Harris of Titus, Harrison, Hart, Haynes of Washington, Hicks, Lee, Lloyd, McKinney of Travis, Mills, Munson, Navarro, Ross, Walling and Wood—20.

So the bill passed to a third reading.

Mr. Burnett moved to further suspend the rule in order to pass the bill, carried ; bill read third time and passed.

Special order, viz : "Tax Bill," taken up, and on motion of Mr. Powell, postponed until Wednesday next.

On motion of Mr. Ross, the rule was suspended and the following House bills, with Senate amendments, taken up :

A bill for the relief of Zippon Whitesides and the heirs of Henry Whitesides ; amendment concurred in.

Joint Resolution relative to Indian Spoliations ; amendment concurred in.

A bill to incorporate the German Free School Association of the City of Austin ; amendment concurred in.

Mr. Johnson offered the following resolution :

Resolved, That the Chief Clerk be authorized to appoint a clerk to assist the Enrolling and Engrossing Clerks and to assist in making up the Journal during night Sessions ; laid on the table.

Mr Powell moved to suspend the rule and take up a bill for the reclamation of slaves escaping beyond the limits of the slave territories of the U. S., with report from committee on State Affairs, recommending a substitute ; carried and substitute adopted.

Mr. Hart proposed to amend as follows :

“And that the party entitled to receive the same pay interest at the rate of 8 per cent. per annum, for the money so paid by the State for his benefit ;” House refused to adopt the amendment.

Mr. Burnett proposed to amend by inserting one-fourth instead of one-third, also insert “or master upon payment of charges and proving the same by two witnesses.”

On motion of Mr. Latham, the bill was made the special order for 7½ o’clock, to-morrow evening.

Mr. Kittrell introduced the following resolution :

Resolved, That the committee on Finance be instructed to report at their earliest convenience on the Joint Resolutions referred to them touching the sale of a portion of our United States five per cent. bonds ; adopted.

On motion of Mr. Lee, the House adjourned to 9½ o’clock, to-morrow morning.

AUSTIN, January 14th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Harrison presented the petition of George W. Goodpen ; referred to committee on Private Land Claims.

Mr. Cooley presented the petition of sundry citizens of upper Comal, remonstrating against certain changes of the county boundaries ; referred to the committee on Counties and County Boundaries.

Also, the petition of the citizens of Llano county, asking land for county purposes ; referred to committee on Counties and County Boundaries.

Mr. Walling presented the petition of the heirs of Daniel Martin ; referred to committee on Court of Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Hicks, one of the Judiciary committee, reported as follows :

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The Judiciary committee, to whom was referred a resolution enquiring into the expediency of framing a general law for the

removal of the disabilities of minority, by petition and decree of the District Court, to parties desiring such relief, have bestowed upon the same *extraordinary* research and consideration, and have arrived at the conclusion—*unanimous*—that it would be decidedly *inexpedient*, and ask to be discharged, &c. Report received.

Mr. Ross, one of the committee on Internal Improvements, reported as follows:

To HON. M. F. LOCKE,

Speaker pro tem. of the House of Representatives:

The committee on Internal Improvements, to whom was referred a bill to amend the charter of the San Antonio River Navigation Company, passed August 29th, 1856, have carefully examined the same, and comparing it with the act or charter which it proposes to amend, find that it is in no wise subversive of the rights or interest of the State. The committee are satisfied that the accomplishment of the object sought, (the navigation of the San Antonio River,) will be of great benefit to that part of the country, and to the State in general. They have, therefore, instructed me to report the bill back to the House and recommend its passage. Report received.

A message was received from the Senate, announcing that the Senate had passed—

A bill for the relief of Robert Baldwin;

A bill in relation to water courses and privileges;

Also, a bill originating in the House, to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan;

And that the Senate had appointed Senators Wigfall and Burroughs a committee to confer with the House's committee on the disagreement between the two houses on the House's amendment to the Court of Claims bill.

Mr. Brown, one of the committee on State Affairs, reported as follows:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on State Affairs, to whom was referred a bill from the Senate. "supplementary to an act to give to each corporate county in this State its own surveyor, map and records," have examined the same, and approve of its provi-

sions as far as they go ; but believe that additional provisions are required to perfect the bill and meet the demands and wants of the country.

A bill was introduced in the House some time since, “to create land districts and prescribe the duties of surveyors,” which was favorably reported back by the committee on the Land Office. The Senate bill, with some amendments, will effect the same objects, which are : First, to allow every organized county to have its own surveyor ; and, secondly, to enact such provisions as will prevent fraud on the part of surveyors, and protect the rights of the people who may have an interest in the location and survey of public lands.

The present law, under which a single surveyor, (whose office is not even one of record,) has the entire control of large districts of the country—compelling an individual who may desire to locate a single certificate to travel from fifty to three hundred miles to find a surveyor—amounts to a denial of justice in numberless cases, and imposes upon the least informed of our citizens interested in such matters, the most onerous burthens. It is only astonishing that such a state of things—involving so much injustice, oppression, and temptation to fraud—has continued so long. The people of every county need a county surveyor. New immigrants, in search of homes, need his services, his knowledge, and access to his maps and records. The public interest of the whole State would be protected and advanced by such a system. The committee, therefore, recommend the passage of the Senate bill, with the accompanying amendments, embracing provisions contained in the House bill :

FIRST AMENDMENT.

Add to first section as follows :

“Provided, that this provision shall not affect those counties now having surveyors whose term of office may expire at a different period, and that each county to be organized after the passage of this act, shall elect a county surveyor at the time of electing other county officers. All county and district surveyors shall hold their offices for two years, and until their successors may be elected and qualified ; and in case of vacancy in the office, from any cause, the county court may appoint some person to discharge the duties thereof, until twenty days after the then next succeeding August election, at which election a surveyor shall be elected to serve for two years, as in other cases.”

SECOND AMENDMENT.

Add as sections 6, 7 and 8 :

“Sec. 6. It shall be the duty of each district surveyor of this State, during the month of August, 1858, and thereafter, within twenty days after each election for district surveyor, to appoint, as his deputy, a special county surveyor for each unorganized county within his district, who shall hold his office during the term of his principal, unless sooner superceded by the appointment of another as his successor. The district surveyor shall immediately notify the Commissioner of the General Land Office of every such appointment. Each special county surveyor, so appointed, shall have all the powers, perform all the duties, and be subject to all the penalties appertaining to county surveyors ; and shall keep, in addition to the returns to be made to his principal, a record and map of all the transactions in his office, to become a part of the county surveyor's records of such county, whenever it may be organized. All such special county surveyors shall reside and keep their offices in their respective counties, if there be settlements in the same ; but if there be no settlements in the county, then at the nearest town to such county. Whenever any county may elect a county surveyor, under the provisions of this act, the district surveyor within whose district such county may have been, or may be at the time, and his deputy shall cease to exercise any official acts within the same.

“Sec. 7. That any person interested for himself, or as agent or friend of another, shall at all times have the right to examine the books, papers, plats, maps, or other archives belonging to the office of any district, county, or special surveyor, on the payment of the fee fixed by law ; and whenever an applicant calls upon either a district, county, or special surveyor, to make an entry for location on his books, and shall be informed that the land indicated by the applicant has already been located, or located and surveyed, the applicant may demand of the surveyor a certificate in writing, setting forth the time at which the entry, location and survey, or either, was made, at whose instance, upon what certificate or warrant, and all the facts in the case, which certificate shall be held good evidence in law and equity against such surveyor, in any suit brought against him to test the truth of the certificate and recover damages by the applicant. And any surveyor refusing an examination of his books and archives, or to give the certificate, as herein provided, shall be subject to a fine of five

hundred dollars for each offence, to be recovered before the district court by the party aggrieved.

“Sec. 8. That it shall be the duty of every district, county, and special county surveyor, of this State, once in every three months, to plat upon the map of his district or county all surveys made to that date within the three preceding months, and transmit sketches and field notes of the same to the Commissioner of the General Land Office, together with a list of all land certificates or warrants on file in his office—giving the number, date, quantity in acres of each, and stating by whom and to whom the same purports to have been issued; and any surveyor failing, or refusing to comply with the provisions of this section, shall be subject to a fine of five hundred dollars for each offence, to be recovered by the State, before the district court, on complaint of any party aggrieved, or of the District Attorney of the district, whose duty it shall be to prosecute all such suits. A certificate from a postmaster certifying that a letter or package, containing the returns herein provided for, was mailed in his office, addressed to the Commissioner of the General Land Office, shall be evidence of the fact, in any suit against a surveyor under this section.”

THIRD AMENDMENT.

Change section 6 of the Senate bill to section 9.

On motion of Mr. Brown, the report and bill taken up; report adopted, and bill passed to a third reading; rule further suspended, bill read third time and passed.

Mr. Chilton, chairman of committee on Finance, reported as follows, on a joint resolution relative to the sale of United States bonds owned by Texas:

COMMITTEE ROOM, }
January 13th, 1858. }

TO HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee upon Finance, to which was referred “Joint Resolutions, authorizing the acceptance of certain proposals for the sale of United States Bonds, owned by the State of Texas,” has not had the time, or opportunity to enquire into, or consider, the reasons which induced the Senate to recommend the acceptance of the “Chubb Brothers’” proposal to purchase two hundred thousand dollars of the United States five per cent Bonds, owned and held by the State of Texas; but, as your committee is under the necessity of indulging in

the uncertain, Yankee enterprise of guessing, would venture to express the *belief* that the Senate acted upon what it deemed good reasons in arriving at the conclusion that said acceptance would inure to the benefit of the State. Having no evidence that the proposition, made by the Senate's "Joint Resolutions," would better subserve the interests of the people, than the proposition submitted, by the Finance committee of the House, to your Honorable Body on the 31st day of December, 1857, your committee is still of the opinion that the bid of Messrs. Swenson and Swisher, for one hundred thousand dollars of the said United States Bonds, should be accepted, as proposed by the "Joint Resolutions," which the Finance committee had the honor to submit to your Honorable Body on the said 31st day of December last. Your committee would ask most respectfully to suggest to those members of the House who seem to be fearful of a depletion of the Treasury vault, to their huge discomfiture, that the Comptroller of Public Accounts has been authorized to dispose of one hundred thousand dollars of United States Bonds, on such terms as he, under the sanctioning supervision of the Governor, may approve; and, also, that there are near one hundred thousand dollars' worth of "coupons" in the hands of the Treasurer. Hence, your committee is less apprehensive of any disastrous consequences, than those who are not so well acquainted with the true condition of our financial affairs. Your committee is well aware that *out-side pressure* has often been felt by Legislative bodies, but take great pleasure in expressing its belief, that no such influence has superinduced the urgent manner which has characterized the course of some gentlemen upon this subject. Your committee had hoped that a more favorable disposition of the Bonds could be made, so soon as the present monetary pressure, which is, perhaps, felt as little at this outside edge of the commercial and financial body, as at its great monetary heart—*Wall-Street*; but the anxiety of some gentlemen, who have (or should have) just as much interest as your committee in guarding the Treasury Department of our State, has induced your committee to make the following report, to which is attached a letter from Messrs. Swenson and Swisher to the Chairman of the committee, which is submitted for the consideration of the Legislature.

Your committee would suggest that the arrangements proposed by the House bill are certainly more advantageous than

those of the Senate bill ; and, in the event the House should agree with your committee in the opinion that the bid of the "Chubb Brothers" is divisible, and that we can accept a part and reject a part, would most respectfully recommend its passage, and also recommend the rejection of the Senate bill. Your committee would express regret that their means of informing themselves as to the *status* of our United States Bonds in the money market, are so limited, that they cannot give to the House any satisfactory statement with reference thereto.

All of which is respectfully submitted.

G. W. CHILTON,
Chairman.

EXCHANGE AND COLLECTION OFFICE }
OF SWENSON & SWISHER. }

To Hon. G. W. CHILTON,

Chairman, &c.:

SIR :—Having learned that the proposition, made by us, to take 100 of the U. S. Bonds and the interest coupons, has been objected to because dependent upon other bids subject as yet to contingencies. To remove this, and render our bid explicit, we propose to cash 100 U. S. Bonds, and interest coupons at ninety-nine cents on the dollar, payable in the city of Austin ; the interest on the bonds accruing to the State until paid for by us. This rate we consider at least 1 per cent better than the best bid tendered the State.

Respectfully,

Your obd't serv'ts,
SWENSON & SWISHER.

Mr. Brown, chairman of committee on Counties and County Boundaries, reported as follows :

Hon M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee have examined the petitions from certain citizens of the counties of Cherokee and Smith, for the creation of a new county, also a remonstrance from a portion of the same people, and find that the same difficulties exist as in other cases, upon which unfavorable reports have been made. A constitutional county cannot be formed without both cutting down the old counties and decentralizing their county seats. For reasons which have governed the committee in

other cases, they ask to be discharged from the further consideration of the subject. Report received.

Also reported, asking to be discharged from the further consideration of the petitions of C. M. Houston and J. A. Hendrick; report received.

Also reported, asking to be discharged from the further consideration of the petition of Henry Griggs, et al.; report received.

Also reported as follows:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives:

The committee on Counties and County Boundaries, to whom was some time ago referred a petition, asking the creation of a new county, from portions of Bastrop, Travis, Williamson, Burleson and Milam, have considered the same, with the remonstrance thereto from Milam county, and find the facts to be similar to those in the two other cases heretofore reported upon adversely, to-wit: the petition from Lavaca, Jackson, DeWitt and Victoria, and from Cherokee, Houston and Angelina counties. In this case the proposed county would consist of but 680 square miles, and would reduce Burleson and Williamson below 900 square miles. As reported in the cases previously referred to, it is generally conceded that by a two-third vote of the Legislature an existing county may be reduced to less than 900 square miles; but the better opinion seems to be, that under no circumstances does the Legislature possess the power to *create* a county containing a less area. The case under consideration is another, and striking argument, against the system heretofore practiced of creating counties to suit individual interests, in running lines in any conceivable form, in order to throw some particular tract of land in the centre of the county. The bill reported by the committee, a few days since, to create counties in square form, and in advance of population, will, if passed into a law, guard against those evils; but the petitioners in the case under consideration will continue to feel the burthens inflicted upon them by past legislation on the subject.

In view of all the facts, and the opposition of Bastrop and Travis counties to giving up any portion of their territory for the object sought, a majority of the committee ask to be discharged from a further consideration of the subject. Report received.

Mr. Kirk, one of the committee on Private Land Claims, reported a bill for the relief of M. F. Alexander, and recommended its passage.

Report received and bill read first time.

Mr. Hardin, one of the same committee, reported, asking to be discharged from a further consideration of the petition of B. J. Harpers ; report received.

Mr. Gaston, one of the committee on Claims and Accounts, reported a bill for the relief of Charles A. Russell, and recommended its passage.

Report received and bill read first time.

Mr. Lewter, one of the same committee, reported unfavorably upon a bill for the relief of E. A. Whittlesy ; report received.

Mr. Clow, one of the committee on Engrossed Bills, reported correctly engrossed—

A bill to amend an act to create the county of Comanche and the act amendatory thereto ;

A bill for the purchase of the Alamo Monument ;

A bill to amend an act to organize the 17th and reorganize the 2d Judicial District ; and

A bill to attach a portion of Trinity county to Walker county. Report accepted.

Mr. Ward, chairman of the committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval—

A bill to authorize the county court of Wharton county to levy a special tax ;

A bill to re-adjust the boundaries between San Patricio and Nueces counties ; and

A bill to incorporate the Telico Manufacturing Company. Report accepted.

Mr. Murrah, chairman of committee on Federal Relations, reported, recommending the passage of a joint resolution asking additional mail service ; report received.

Also reported as follows on a joint resolution relative to the action of Robert J. Walker as Governor of Kansas Territory:

COMMITTEE ROOM, }
JANUARY 7TH, 1858. }

TO THE Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives.

The Committee on Federal Relations, to which was referred

a Preamble and Resolutions, condemnatory of ROBERT J WALKER, late Governor of Kansas, for his unauthorized, illegal, and impertinent interference in the affairs of the Territory over which he was called to preside, have had the same under consideration, and beg leave to report :

The same considerations which originally caused the rejection of the Preamble and Resolutions and their subsequent reference, operated with your Committee, in delaying this report. Mr. WALKER was a Southern man, if not by birth, at least by adoption ; and his appointment as Governor of Kansas, was regarded, at the time, by all parties, as an important concession to the South. Fully identified with the Democratic party of this section of the Union, by an active co-operation, extending throughout the period of his political career ; his speeches in Congress and out of it, his letters and his official reports as Secretary of the Treasury, under a Democratic pro-slavery administration, fully endorsing and sustaining these opinions, the fact that he was pressed upon Mr. Buchanan by Southern men in Congress, for the first position in his Cabinet ; and the further fact, that although his conduct as Governor of Kansas, seemed to merit the condemnation embraced in the Preamble and Resolutions, yet he was sustained, judging from newspaper accounts, by a large portion of the pro-slavery party of the Territory ; and that too after he had been condemned by the Democratic Conventions of two, at least, of the Southern States. It was not to be expected that a man with such antecedents and thus sustained, would falsify the history of his political life by an act of treachery and faithlessness for which there was, seemingly, no adequate motive, for even one who had determined to abandon principle and look to unhallowed ambition only, for his reward. Under these circumstances, your Committee, actuated by like considerations which prevailed in the House, when this Preamble and Resolutions were referred, were reluctant to condemn Gov. WALKER unheard. They thought it but just to wait until all the facts connected with his course in Kansas were before them. He had a right to expect as much from Texas particularly, on account of the decided course he took in relation to annexation, and the services rendered by him in that struggle. A legislative body, acting with deliberation, could not do otherwise.—Your Committee will not disguise the fact, that in view of all the circumstances, a hope was indulged that a justification for his conduct might be offered which would be satisfactory.—

They have waited patiently the result. The whole matter is before them, together with Mr. WALKER's extraordinary letter, in which he attempts to justify himself; and upon this evidence they are fully prepared to condemn, in unqualified terms, the course he has pursued. They regard it as a direct and flagrant violation, by an officer of the Federal Government, of the doctrine of non-intervention as embraced in the Kansas-Nebraska act, which provided, that the people of the territory should be left free to form their domestic institutions in their own way, subject to the Constitution of the United States. The expression "domestic institutions" used in the act, referred exclusively to the institution of slavery, as the debates in Congress, and particularly the speeches of Mr. Douglas, at the time of its passage, clearly show. The universality of the rule of self-government, as to all other subjects, was not a matter of controversy. When, therefore, Governor WALKER declared, as he did, in his Topeka speech, that from the laws of climate, slavery could not exist in Kansas, and in that and subsequent speeches, that the constitution to be adopted by a State Convention, would be of no obligatory force, unless submitted to a direct vote of the people for ratification or rejection, and that unless so submitted, would and ought to be rejected by Congress; his course as Governor of the territory, cannot be considered otherwise, than at war with the doctrine of non-intervention, as an unauthorised, illegal, and impertinent interference, with the rights of the people, and an act of treachery equalled only by his abandonment of Mr. Buchanan's administration.

The declaration that the climate of Kansas rendered it unfit for slavery, coming from a Southern man with the antecedents of Mr. Walker, and the Governor of the territory, was well calculated to deter slaveholders from emigrating to it, and to produce a corresponding increase of emigrants from the non-slaveholding States. It was not only an unauthorised and impertinent interference for him to dictate in advance what course the Convention must adopt after forming a State Constitution, but it was calling in question the authority with which it was delegated, an attempt to abridge its powers and the efficiency of its action, and giving aid and countenance to a body of men whose purposes were treasonable, who had set at defiance all legal authority, and who for upwards of three years had promoted discord and civil war. It was tantamount to saying to them, "Slavery cannot exist in Kansas, and con-

sequently all attempts to introduce it into the territory are wrong, and against the laws of God. You can go on in your career of resistance and violence. The constitutional convention amounts to nothing unless it submits its action back to the people, and if all other efforts fail in your lawless course, you will then have a chance of defeating it." Nor can his views be abstractly defended on the ground that sovereignty resides in the people, and is in itself indivisible. Admitting this proposition to be true, the people have certainly the right to determine the manner in which they will exercise their sovereignty, and with this, the people of Kansas were clearly invested by the terms of the territorial act, which declared that they should settle their domestic institutions in their own way. They choose to do this through a convention, and under our republican system of government, according to all recognized opinions, such a convention was invested with the sovereign will and authority. The question of submitting its action to the people for ratification, was a mere question of propriety which that body had the sole and exclusive right to determine. To assume any other position, is to say, that the people are incapable of delegating their authority ; it is to confound the idea of sovereignty, with the mode of exercising sovereign powers. If Gov. WALKER'S position be correct, a constitutional convention would not be warranted in submitting a Constitution in its entirety, for ratification or rejection, to their constituents ; for that would be to confound alike its good and bad parts. They must take all or none. Consequently the only just mode would be to submit each section separately, a course which would be totally impracticable, involving unnecessary discussion, expense and delay. The rights of the people are sufficiently protected by the responsibility which each delegate is under to those from whom he received his authority, and if perchance, the Constitution should be deemed obnoxious, it can be amended or a new convention may be called, after the organization of the State Government.

The resignation of Mr. Walker, renders unnecessary any further action than a full and decided condemnation of his conduct. Your committee unanimously endorse the preamble and resolutions which were submitted to them, and but for the facts and circumstances hereinbefore stated, would have immediately returned them to the House for ratification.

But another question is presented of a more important character, and upon which, in the opinion of the committee, the

State of Texas, through her Legislature should speak. The territory of Kansas has been for upwards of three years the theatre of civil war, superinduced by an armed band of Black Republicans, who have been in open rebellion against the government and civil authorities. They have steadily refused to participate in the Legislation of the territory, or to obey its laws, which were of a just and salutary character, and in conformity to the Federal Constitution and of the equal rights of the States, protecting alike every species of property, slavery included. These men—thus engaged in sowing the seeds of discord, hatred, and anarchy, refused to comply with a law requiring a registry of the legal voters of the territory, and which was intended to prevent fraud in elections. They also refused to vote in the election of delegates for a State Convention, or to recognise its legal existence. It is also said that they refused, and in all probability failed to take part in the question of slavery, or no slavery, which was submitted to the determination of the voters of the territory on the 21st of December. The territorial Legislature, which called the State Convention, was a legally organized body and represented the people of the territory, a fact which no one will pretend to deny. That the peace of the territory, and the peace and safety of the union, required such a convention in order that the agitation of the slavery question might be localized, is also a fact equally undeniable. An act of Congress could not have made it more equitable, or have given the people a better opportunity to vote for delegates. This, it seems to us, covers the ground of propriety.

That convention met and submitted the question, and the only question, which divided the territory, to the decision of the people.

Your committee are therefore of the opinion that the Le-compton convention ought to be sustained, and our Senators and Representatives in Congress should be requested to vote for the admission of Kansas as a State under the Constitution adopted by it, whatever has been the decision of the people as to the question of slavery. In the language of Mr. Buchanan, “the question can never be more clearly or distinctly presented to the people than it is at the present moment.—Should this opportunity be rejected, Kansas may be involved for years in domestic discord, and possibly in civil war, before she can again make up the issue now so fortunately tendered, and again reach the point she has already attained.”

The leading object of the Kansas Nebraska act, was to remove the dangerous question of slavery, from the halls of Congress, in which it was at first an intruder, and to let the people determine it for themselves. In the plain and forcible language of the President—"The friends and supporters of the Nebraska and Kansas Act, when struggling on a recent occasion to sustain its wise provisions before the great tribunals of the American people, never differed about its true meaning on this subject. Everywhere throughout the Union they publicly pledged their faith and their honor, that they would cheerfully submit the question of slavery, to the decision of the *bona fide* people of Kansas, without any restriction or qualification whatever. All were cordially united upon the great doctrine of popular sovereignty, which is the vital principle of our free institutions." The just expectations, therefore, of the American people, have been met by the Constitutional Convention of Kansas. They presented the question of slavery clearly and distinctly without embarrassing the action of the people by mixing it up with others of an extraneous character. If, therefore, Kansas is rejected in her application for admission into the Union under the Lecompton Constitution, or an act is passed by Congress calling for another State convention, it will be upon the ground, and the sole ground, it is believed, whatever reasons may be given, that her Constitution tolerates slavery. Thus will be presented the issue so fearfully anticipated that it is the settled determination of the North not to admit another slave State into the Union. What is the duty of the South in the event of such a manifestation of malevolent feeling, it is for the people to determine. In the judgment of your committee a crisis will have arisen demanding the counsel and co-operation of the Southern States. They therefore recommend that Texas be placed in a position by the present Legislature to consult and co-operate with the other Southern States, if such an emergency should force itself upon us. Your committee in making these recommendations have no disposition to pander to a morbid sectional feeling, or to cultivate a sentiment which looks with favor upon a dissolution of the Union of the American States. In the language of the declaration and protest of the Commonwealth of Virginia, drawn by Mr. Jefferson—"They know and value too highly the blessings of their Union as to foreign nations and questions arising among themselves, to consider *every* infraction as to be met by actual resistance. They respect too af-

fectionately the opinions of those possessing the same rights under the same instrument, to make *every* difference a ground of rupture. They would indeed consider such a rupture as *among* the greatest calamities which could befall them ; *but not the greatest*. There is yet *one greater* submission to a government of unlimited powers." It cannot, however be disguised, that we are on the verge of a fearful crisis ; that a powerful combination is forming in the Northern States, and in Congress, under the leadership of men to whom the South has heretofore looked for aid and assistance in the hour of her need, which threatens the denationalization of the democratic party, the purpose of which is to prevent the admission of Kansas into the Union as a slave State. It is for the people of the South to say whether they will submit to such a flagrant violation of their rights and for the future own themselves unequals in the Union. In the opinion of your committee, a period has arrived, when the people of the South should plant themselves upon a common platform, and insist upon a full recognition of their equality in the Union ; in the practical test of State equality, presented in the application of Kansas for admission into the Union, the Northern and Southern States agreed to the doctrine of non-intervention as expressed in the Kansas Nebraska act ; in order that the agitation of the slavery question might be removed from the halls of Congress, and in order that it might be determined by the people of the territory ; and if the operation of that doctrine has awarded Kansas to the Southern States, then to the South let it belong ; if to the North, then to the North let it belong. But let Kansas be received as a State by Congress, let the agitation of the slavery question, if there is to be any more, be thus localized and cut off from federal politics. Let the doctrine of non-intervention triumph, and then we may hope for the restoration of peace and harmony to our national counsels, and the settlement of the slavery question, so far as the territories are concerned for the future upon a just and permanent basis. In view of these facts and considerations the committee recommend to the Legislature the adoption of the accompanying Preamble and Resolutions, not as a matter of form, but because it is due to the State and to the people.

P. MURRAH,

Chairman of Committee on Federal Relations.

PREAMBLE AND RESOLUTIONS.

WHEREAS, the people of the territory of Kansas, through their chosen delegates, met in Convention authorized by the Legislature at Lecompton, on the day of A. D. 1857, and ordained for themselves a Constitution, preparatory to asking admission into the Union, as a sovereign and equal State thereof,

And Whereas, said Constitution is Republican in its character, and the question of "slavery," or "no slavery" was submitted by the Convention to the determination of the voters of the territory,

And Whereas, an organization has taken place in Congress and in the Northern States out of Congress, led by men who have heretofore acted with the South on issues presented by slavery, the object of which is to defeat the doctrine of non-intervention, and refuse Kansas admission into the Union as a slave State, though other pretexts are sought to justify the opposition, which organization threatens to be formidable, if not successful :

Therefore Be it resolved by the Legislature of the State of Texas : That it is the deliberate opinion of the people of Texas, expressed through their Senators and Representatives, that Congress ought without any unnecessary delay or hinderance, to admit Kansas into the Union, as a State if she presents herself for admission under the Lecompton Constitution, and without considering whether the Constitution is "pro-slavery," or "anti-slavery."

Resolved, That if Kansas is refused admission into the Union by Congress, or her admission unnecessarily delayed or hindered on account of a pro-slavery Constitution—though the refusal may be cloaked under other pretexts—it will present an emergency that will authorize and require the counsel and co-operation of the Southern States, in order to preserve their equal rights, and to protect their domestic institutions.

Resolved, That Texas will meet the emergency as becomes a free people and a sovereign State, and that in case such a crisis presents itself, his Excellency H. R. Runnels be authorized to appoint at least three delegates from each of the Congressional Districts of this State, to meet the delegates of the other Southern States in Convention, should one be assembled under the circumstances, and for the purposes contemplated by these resolutions.

Resolved, That the sum of ten thousand dollars be, and the same is hereby appropriated out of any money that may be in the Treasury, to pay the mileage and *per diem* of said delegates, should they be required to act, and that their appointment be authenticated by the Great Seal of the State, in order that they may appear in Convention, should there be one, as the regularly accredited agents of a sovereign State, that but a few years since voluntarily placed herself in the Union of the American States as an equal.

Resolved, That His Excellency Governor Runnels, be requested to forward copies of these resolutions, authenticated by the Seal of the State, forthwith to our Senators and Representatives in Congress, and to the Governors of the several Southern States.

On motion of Mr. Bee, the rule was suspended, and the report and resolutions taken up, and made the special order of the day for Tuesday next, 10 o'clock, and 5000 copies of the report ordered to be printed for the use of the House:

Mr. Hart, Chairman of Joint Select committee reported as follows:

To the Hon. F. R. LUBBOCK,

President of the Senate,

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee of Conference appointed upon the disagreement of the honorable House of Representatives and the honorable Senate, involved in the refusal of the Senate to concur in the second, third and fourth amendments of the House to the Senate's bill, entitled "an act supplementary to and amendatory of an act entitled an act to ascertain the legal claims for money and lands against the State," passed August 1st, A. D. 1856, and in the adherence of the House to said amendments, have conferred upon the premises, and beg leave to report that in their judgment the Senate should concur in so much of the House's amendment to the 4th section of the bill as substitutes in lieu of the Commissioner of Claims, the District Courts for the granting of unconditional upon previous conditional certificates, with the bar at the end of said provision as follows: "All claims for such unconditional certificates not presented to the proper District Court for allowance, on or before the 1st day of October 1859, shall be forever barred;" and that the House recede from so much of said amendment

as confers upon the District Courts the power to grant augmentation certificates for marrying in this country previous to 1st January, 1842; and that the House also recede from her amendments, striking out of said 4th section all that portion thereof, beginning: "all original applications for headright certificates," to the end of said section, which portion it is understood is to be retained in the bill.

It is agreed, also, that so much of the Senate's original bill, 4th section, as requires applications for unconditional certificates, by virtue of conditional certificates, to be referred to the Legislature, be stricken out.

It is also agreed that the words "or other satisfactory evidence," be inserted after the word "office," in the third line of the House's second amendment.

This committee are of opinion that the Senate should concur in all the other amendments of the House. All of which is respectfully submitted.

L. T. WIGFALL,
Chairman on part of the Senate.

MARTIN D. HART,
Chairman on part of the House.

Report adopted.

BILLS AND RESOLUTIONS.

Mr. Howerton introduced a bill to incorporate Clinton, in DeWitt county; read first and second times and referred to committee on State Affairs.

On motion of Mr. Price, the rule was suspended, and a bill for the relief of Louis Kraatz taken up and ordered to be engrossed; rule further suspended, read third time and passed.

On motion of Mr. Johnson, the rule was suspended, and a bill to incorporate the town of Rusk taken up and passed to a third reading; rule further suspended, read third time and passed.

On motion of Mr. Latham, the vote refusing to pass a resolution authorizing the Chief Clerk to appoint an assistant was reconsidered.

Mr. Hart proposed to amend by inserting "the House elect," instead of "Chief Clerk elect;" lost.

Mr. Lee proposed to amend by inserting: "the Speaker employ such assistant clerks as may be necessary;" adopted.

Mr. Hart proposed to amend by inserting: "And that he be allowed \$2 50 per day for his services." Laid on the table.

Resolution as amended adopted.

A message was received from the Senate, announcing that the Senate had passed the following bills originating in that body :

A bill to incorporate the Eastern Texas Railroad Company;

A bill to provide for the enumeration of the inhabitants of Texas for the year 1858 ;

A bill to amend an act to incorporate the Bastrop Academy, approved February 7, 1853 ;

A bill to incorporate the Grand and subordinate Lodges of the order of Free Masons in Texas ; and

A bill to incorporate the Grand and subordinate Chapters of Royal Arch Masons in Texas.

Mr. Wood, by leave, reported, recommending the passage of a bill to re-organize the 13th Judicial District and to fix the time of holding courts therein.

Report accepted ; rule suspended and bill ordered to be engrossed ; rule further suspended, bill read third time and passed.

On motion of Mr. Runnels, a bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad company taken up, with report from committee on Internal Improvements recommending amendments. Report adopted.

Mr. Runnels proposed to amend as follows :

Amend by striking out of sixth line, first section, the words "except by a vote of four-fifths of the stockholders thereof," and leave the second section of the supplemental act passed by the sixth Legislature in full force.

Second section. add : " Provided, further, that should said road not have a connection within ten years with some road leading to the Mississippi River, or the Gulf of Mexico, in complete running order, said company shall forfeit all rights to the reservation."

Add to 3d section : " Provided said company shall have the whole of said reservation sectionized and returned as specified within ten years, and in failure shall forfeit all right to the reservation."

Strike out and insert as section 4: " That such of the above mentioned sections of the original and supplemental acts as conflicts with the provisions of this act be, and the same is hereby repealed, and no other portion of either the original or supplemental act shall be affected as herein provided."

Strike out all after the word "repealed," in second line of

fourth section, and insert : "The reservation land (by this and the acts to which this is supplementary,) of said Railroad company shall not prevent any person who was a resident within said reservation prior to the 1st of October, 1857, and who has continued there a resident in said reservation up to the present time, from locating 160 acres of land, including his or her improvement, with any genuine land scrip."—
Adopted.

Mr. Evans of McLennan proposed to amend by adding :

"Sec. —. That the provisions of this act and the act to which this is supplemental shall not be construed so as to give said Railroad company any right to or control over any lands within the said reserve, which were legally filed upon by any land certificate, on or before the 1st day of October, 1857."

Adopted.

On motion of Mr. Runnels, the vote adopting third amendment recommended by committee was reconsidered, and Mr. Jennings moved to insert the words "to acquire" between the words "rights" and "donation," in first line of third amendment by committee.

Carried, and amendment as amended adopted, and bill passed to a third reading.

Mr. Wælder proposed to add as last section : "That this act take effect and be in force from and after its passage."

Adopted.

On motion of Mr. Bee, the third and final reading was postponed until 10 o'clock to-morrow, A. M.

Mr. Locke, by leave, introduced a bill to amend an act to organize Justice's Courts, and define the powers and jurisdiction of the same ; read first and second times and referred to the Judiciary committee.

Mr. Buckley, chairman of committee on Judicial Districts, reported, recommending the passage of substitute for a bill to re-organize the third Judicial District and defining the time of holding courts therein.

On motion, the rule was suspended and bill taken up, read third time and passed.

On motion of Mr. Scott, a bill to create the 20th Judicial District taken up, and on motion of Mr. Rainey, referred to a Select committee, consisting of Messrs. Rainey, Chilton, Everett, Witt, Norton, Shannon and Harrison.

Mr. Upshaw offered the following resolutions :

Whereas, This House has heard of the death of the Hon. ANSON JONES, the last President of the Republic of Texas, with unfeigned regret.

Resolved, That in the death of the Hon. ANSON JONES, the State of Texas has lost one of her most distinguished and patriotic citizens, whose life and talents have been devoted to the promotion of the interests of his country.

Resolved, That we sympathize with the afflicted family and friends of the deceased, and that a copy of these resolutions be communicated to them.

Resolved, That this House now stand adjourned until 9½ o'clock to-morrow morning, and that the members of this body wear the usual badge of mourning.

Mr. UPSHAW said :

Mr. Speaker : Sir, it is with a *heart full* of SORROW that I arise to announce to you and this honorable body, the death of my friend and the friend of Texas, the Hon. ANSON JONES, the last President of Texas.

On Saturday morning last, that distinguished man passed from time to eternity. Sir, it is all but useless for me to speak of him in this State ; one so well known for his talents, his patriotism, and his devotion to the South and to the whole of our beloved country. He came to Texas at an early day to give to her his talents and his blood whenever necessary, in defending her in her just rights from the tyrannical rule of Mexico. Sir, he was one of that noble band that met Santa Anna at San Jacinto. The meeting was *Victory*. Mr. Speaker, he held high offices in the Republic, and he honored them. In his private associations, he was kind, courteous, and hospitable ; as a husband, he was kind and affectionate ; as a father, he filled the whole duties of that significant word ; as a master, he was kind.

Mr. Speaker, I move that the resolutions be adopted.

Mr HENDERSON of Harris, said :

Mr. Speaker : In rising to advocate the resolutions offered by the gentleman from Washington, I can but in justice to myself as a member of this House, add, that the Hon. ANSON JONES, even before the revolution of Texas had begun was a citizen of Texas, fully identified with all her interests. He was at the date of the revolution, a citizen of Brazoria county. Surrounded by the very men who did as much as any others to bring on the revolution, and in all their councils, he took

a prominent and patriotic participation, and when war was declared, we find him a soldier in the army of his adopted country, in which capacity he served that country until its liberty was won on the heights of San Jacinto. He again returned to private life, but was soon called by the people of Brazoria county, as a member to Congress of the Republic of Texas ; he served as a member, I think, during the Term of 1838, and was sent as Minister to the United States ; was again elected Senator by the people of Brazoria county, and President pro. tem. of the Senate ; was chosen by Gen. Houston on his second election, as Secretary of State, in which capacity he conducted all the vexed questions of our foreign relations with distinguished ability ; and, sir, it was owing to that fact that the people of again honored him by calling him to the Chief Magistracy of the Republic of Texas. During his official term, the annexation of Texas was consummated ; the manner in which he treated that subject, is well known to this House and the country. I may add, Mr. Speaker, that from his first advent into political life in Texas, as an humble representative from the county of Brazoria in 1838, to the very day and hour that the Republic of Texas was "no more," displayed ability, talents and devotion to the interests of his country of no ordinary character. Sir, he was the last President of the Republic of Texas, and let us in honor of his memory pass these resolutions, and wear the usual badge of mourning for one whose name is fully identified with the history of our country, for one who, in all the relations of life either as a private soldier, citizen or Chief Magistrate, met the expectations of his countrymen.

Mr. BROWN said :

Mr. Speaker : In rising to second the adoption of the resolutions, I cannot permit the solemn occasion to pass without adding my humble tribute to the memory of the distinguished deceased, and tendering my sympathies to his bereaved family. I endorse what has been so well said by the gentleman from Washington, (Mr. Upshaw,) and the gentleman from Harris, (Mr. Henderson.) I will not dwell upon the public services of Ex-President JONES—they belong to the history of Texas—but of his private character, and his claims to my personal esteem, I may speak. Near twenty-four years ago, he professionally attended my father in his last illness, and closed his eyes in death, in the county of Brazoria ; and from my

earliest acquaintance in youth with him, his deportment was such as to win not only my regards, but the sincere esteem of my heart.

Dr. JONES, sir, was a man of learning and profound research, of thought, and eminently reflective mind, retiring in his manners, warm and sincere in his attachments. He possessed the finer feelings and sensibilities of our nature, though probably not those traits calculated to win popular applause. In his untimely death, Texas has lost another of her early and eminent public men. Like ripened fruit, one by one they are dropping around us, and each occasion is a renewed admonition to us all that "such is the end of life."

I second the motion to adopt the resolutions.

The resolutions were unanimously adopted.

AUSTIN, January 15th, 1857.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Wælder, one of committee on Internal Improvements, reported, recommending the passage of a bill to incorporate the Lynchburg and Swartwout Railroad Company, with the following amendments :

Strike out "Lynchburg" and insert "Galveston Bay," in the corporate name, wherever it occurs in the bill.

Strike out 14th section and insert the following in lieu thereof:

"Sec. 14. The said Railroad company shall be entitled to the benefits of an act to encourage the construction of Railroads in Texas by donations of land, passed January 30th, 1854, agreeable to the provisions of, and upon the conditions imposed by said act. And said company shall be subject to all general laws relative to railroads and railroad companies, which are now in force, or which may hereafter be enacted."

Add the following section, to-wit:

"Said company shall commence the construction of their road within two years from the passage of this act, and complete in running order twenty miles each year thereafter."

Add to the last section: "And this act shall take effect and be in force from and after its passage."

Strike out "four millions" in 4th section and insert "one million and a half."

Strike out the name of "R. K. Cage," in 1st section, and insert the name of "Carroll Smith."

Report received.

Mr. Brown, chairman of committee on Counties and County Boundaries, reported as follows:

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on County Boundaries report the accompanying bill in answer to the petition of Nathaniel Dougherty and ninety other citizens of Kaufman county, and recommend its passage.

Report received and bill read first time.

On motion of Mr. Norton, the rule was suspended, bill taken up, read second time and ordered to be engrossed ; rule further suspended, bill read third time and passed.

Also—

Hon F. M. LOCKE,

Speaker pro tem. of the House of Representatives:

The committee on Counties and County Boundaries, to whom was referred a petition from certain citizens, asking a change in the boundary lines between Navarro and Freestone counties, recommend the rejection of the petition.

The committee have considered a petition from citizens of Limestone county, asking a change in the boundary between that and Navarro county, and also a bill to re-define the line between Navarro and Hill counties, and as both the objects are kindred matters, and somewhat dependant upon each other, the committee report the accompanying bill, as a substitute, and recommend its passage.

On motion of Mr. Carroll, the rule was suspended, bill taken up, read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

Mr. Jennings, chairman of the Judiciary committee, reported, recommending the passage of a Senate joint resolution relative to the impeachment of Judge Watrous, United States District Judge, with an amendment.

Amend by inserting after the word "that," in 13th line from the bottom, "without intending to express any opinion as to the guilt or innocence of Judge J. C. Watrous."

On motion of Mr. Buckley, the rule was suspended, resolu-

tions and report taken up—report adopted—Senate resolutions substituted for the resolutions on the same subject, and passed to a third reading ; rule further suspended, read third time and passed.

A message was received from the Senate, announcing that that body had passed a House bill for the relief of Louis Krautz, with an amendment ; and that the Senate had concurred in the House's amendment to a bill defining the time of holding the Courts in the second Judicial District, and to a bill for the relief of the widow and heirs of Jas. W. Majors, deceased.

Mr. Buckley, chairman of committee on Private Land Claims, reported, recommending the passage of a Senate bill for the relief of Wm. DeWoody ; report received.

Also reported, asking to be discharged from the further consideration of the petition of the heirs of James Lasty ; report received.

And recommending the passage of a Senate bill for the relief of Mary A. Collins ; report received.

Mr. Gaston, one of the same committee, reported a bill for the relief of Henry B. King, and recommended its passage.

Report received and bill read first time.

Also reported, recommending the reference of the petition of Simpson Robinson and Mary E. Keath to the committee on the Court of Claims ; report received.

Mr. Kirk, one of the same committee, reported, recommending the passage of a bill for the relief of A. T. Pickett ; report received.

Also—

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Matthew Strayhearn's heirs, have examined the same, and while investigating its merits, was petitioned by the parties to withdraw it, and having no right to give up the papers, the committee report it back, and ask that the report be forthwith adopted and papers returned to the applicant. Report adopted.

Mr. Burnett, one of the committee on Private Land Claims, reported, recommending the rejection of the petition of Jane Robinson ; report received.

Mr. Lee, one of the same committee, reported a bill for the

relief of Timothy McKean and Felix W. Goff, and recommended its passage; report received.

Mr. Scott, one of the committee on Claims and Accounts, reported, recommending the passage of a Senate bill for the relief of Jacob Long; report received.

Mr. Bee, chairman of committee on State Affairs, reported, recommending the passage of a substitute for a bill to incorporate the town of Kickapoo; report received.

And reported, recommending the passage of a bill to incorporate the town of Clinton, in DeWitt county.

Bill taken up and ordered to be engrossed; rule suspended, bill read third time and passed.

Also, recommending the passage of a bill authorizing a special tax to be levied in the counties of Bell and Collin respectively; report received.

And recommended the passage of a bill to incorporate the Crockett Female Academy; report received.

Also—

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on State Affairs report back a bill to amend the third section of an act authorizing the county courts to grant license for retail of spirituous liquors, &c., without amendment, and recommend its passage. The bill proposes, that before license shall issue, as now provided for by law, the applicant shall give bond, conditioned that he will not sell liquor to a slave, a minor of 16 years of age, or a student of any institution of learning; that he will not allow gaming in his house; but in all respects will keep an orderly house. The committee approve of the proposed amendment. Report received.

Mr. Price, one of the committee on Claims and Accounts, reported, asking to be discharged from the further consideration of the petition of John W. Hobson; report received.

Mr. Mills, chairman of same committee, reported a bill for the relief of John Hearn, and recommended its passage.

Report received and bill read first time.

Mr. Aycock, chairman of the committee on Public Lands, reported as follows, on a bill for the relief of the Houston and Texas Central Railroad Company :

Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The committee on Public Lands, to whom was referred the Senate's bill for the relief of the Houston and Texas Central Railway Company, have considered the same, and instructed me to report, that the great importance of that Railroad enterprise to the people of the State will justify the relief sought by the bill; yet your committee have deemed it proper to say that a portion of that relief, to-wit, an exoneration from the penalty of the bond therein mentioned, ought to have been sought in another manner.

Your committee have thought it doubtful whether the part of the second section, referring to that bond, is not contrary to the Constitution of the State. The power in general terms, "to remit fines and forfeitures" is lodged with the Executive. The language is certainly broad enough to include forfeitures of bonds like the one in question. Though there has as yet been no judicial declaration of forfeiture, it cannot be denied that the legal right to the penalty of that bond has vested in the State. The Constitution contemplates but one mode by which the obligors may obtain a remission, to-wit: by the exercise of the Executive power, under such rules as the Legislature may have heretofore prescribed, or may hereafter prescribe.

This would seem to be a necessary consequence of the division of the powers of Government into three departments. The province of the Executive is to put law into *execution*, or in *certain hard cases*, to *arrest* the arm of the law, to prevent that suffering which legal liability would incur, where the public welfare does not demand the sacrifice. This is the case, whether the debt accrued to the State consists of, and is to be paid in blood, labor, or money. It is true that this Executive prerogative is not invoked generally until after the Judiciary has acted in the premises; but it may be well doubted whether this power ought to be usurped by the Legislature, and exercised because the Judiciary has not acted. This would, in all probability, be to declare that the Legislature may interpose to relieve individuals and persons, even in criminal cases, from penalties to which they may have become subject by violations of law.

Your committee would recommend that so much of the 2d section as relates to the bond be stricken out, and that the

Governor be authorized by a joint resolution to remit the forfeiture of the bond, when the company shall have completed the second section of the road according to the requirements of the bill.

Your committee would also recommend that the words "or fifty miles in every two years," in the eleventh line, be stricken out, leaving the company required to complete twenty-five miles annually. The bill, in that shape, in the opinion of the committee would be sufficiently liberal, and a temptation for speculation in small towns along the route, exceedingly prejudicial to the interests of a majority of stockholders, as well as the whole country, would be in some degree removed.

With the amendments suggested, the committee recommend the passage of the bill.

THOS. P. AYCOCK,
Chairman.

AMENDMENTS.

1. Strike out all the words from the word "and," in the twentieth line of second section, to the word "section," inclusive, in the twenty-fourth line.

2. Strike out the words "or fifty miles in every two years," in the 11th line of the third section.

On motion of Mr. Henderson of Harris, the report and bill taken up ; report adopted.

On motion of Mr. Reeves, the vote adopting the report of committee was reconsidered.

On motion of Mr. Henderson of Harris, the amendments proposed by the report were laid on the table.

Mr. Jennings moved to strike out the first section of the bill ; lost, and bill passed to a third reading.

Rule further suspended, bill read third time and passed by a two-thirds vote.

On motion of Mr. Locke, the rule was suspended, and a bill to incorporate the town of Gilmer taken up ; read second time and ordered to be engrossed ; rule further suspended, read third time and passed by a two-thirds vote.

A message was received from the Senate, announcing that the Senate had passed—

A bill authorizing the sale of the interest of Robie C. and Mary Mastin in certain lots in the city of Austin ;

A bill to incorporate the Waco Female Academy ;

A bill to incorporate the Meridian Male and Female Academy ;

A bill to prohibit the emancipation of slaves by Will ;

And a joint resolution requesting our Senators and Representatives in Congress to urge the raising of Texas Rangers, for the service of Texas alone, and certain changes in the policy of our Indian affairs.

Mr. Hart offered the following resolution:

Resolved, (the Senate concurring,) That the two Houses go into joint session at 7½ o'clock, P. M., for the purpose of electing a Commissioner of the Court of Claims.

Mr. Brown proposed to strike out "7½ o'clock," and insert "12 o'clock to-morrow."

Adopted, and resolution as amended adopted.

Mr. Mills, by leave, introduced a bill to authorize Gonzales county to levy and collect a special tax : read first and second times and referred to committee on State Affairs.

Mr. Price, by leave, introduced a bill requiring Judges of the District Courts of Texas to transfer certain criminal cases out of their respective districts, under certain circumstances ; read first and second times and referred to Judiciary committee.

Mr. Upshaw introduced a bill to incorporate the Union Hill High School ; read first and second times and referred to committee on Education.

Mr. Lee, by leave, presented the petition of Terresa Highsmith ; referred to the committee on Private Land Claims.

On motion of Mr. Chilton, the rule was suspended, and a bill to raise a revenue by taxation taken up, and made the special order for Wednesday next.

A message was received from the Senate, announcing that the Senate had concurred in the House resolution to go into the election of a Commissioner of Claims, and that the Senate had passed the following House bills :

A bill for the relief of John J. E. Gregory ;

A bill to amend an act creating the county of Comanche and an act amendatory thereto ; and

A bill to attach a portion of Trinity county to Walker county.

The hour having arrived for the final reading of a bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad, the same was taken up.

On motion of Mr. Bunnels, the vote adopting 5th section of the bill was reconsidered, and the following offered as a substitute for the same :

“Nor shall such act be so construed as to give to said Railroad company any right to, or control over, any land within such reservation which has been located by virtue of any land certificate, the field notes of which have been duly recorded, and which has been settled and continually resided upon up to the time that such reservation took effect.”

Mr. Shannon moved to lay the substitute on the table ; lost.

Mr. Brown proposed to amend as follows :

Strike out all after “resided,” in fifth line, to “that,” in last line, and insert, “previous to the time that.”

Also, “provided this section shall not apply to lands surveyed by virtue of certificates issued to colonists by the county courts of Peters’ Colony.”

Mr. Runnels moved to lay the amendment on the table ; carried.

Question recurring upon the adoption of the substitute for the 5th section, the same was put, and the House refused to adopt it.

Mr. Brown moved to strike out “1st October, 1857.”

On motion of Mr. McKinney of Travis, the amendment to the amendment was laid on the table, and the bill passed by a vote of 65 yeas to 8 nays.

Mr. Johnson, chairman of committee on Engrossed Bills, reported correctly engrossed—

A bill to authorize the Clerk of the County Court of Smith county to transcribe certain records ;

A bill to re-organize the third Judicial District and fix the time of holding courts therein ; and

A bill to re-organize the 13th Judicial District and to fix the time of holding courts therein.

Report accepted.

Mr. Ward, chairman of committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented for Executive approval—

A bill to define the time of holding courts in the second Judicial District ;

A bill to amend an act to define the time of holding courts in the first Judicial District ;

A bill for the relief of the heirs and widow of James W. Majors, deceased ;

A joint resolution relative to mail routes ;

A bill supplemental to and amendatory of an act to ascer-

tain the legal claims for money and land against the State, passed August 1st, 1856 ; and

A bill to prolong the the time of holding the regular quarterly terms of the county courts for county purposes.

Report accepted.

Mr. Wood, by leave, made the following report :

COMMITTEE ROOM, }
Austin, January 15th, 1858. }

Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The Special committee raised by the House to revise, amend and condense the Probate Law of the State, have discharged that duty. The task has been one of no little labor and difficulty, and while the committee do not flatter themselves that their work is free from objection, or by any means perfect, yet they feel satisfied that they have obviated many objections to the old law, and made some decided improvements.

The objections to the act of March 20th, 1848, were its complexity, verbosity, and the very great expense that it entailed upon estates. To obviate the two first objections, the committee have lessened the number of sections, from one hundred and thirty-six to one hundred and one. But much more has been gained in this way, than the reduction of sections would indicate, by cutting off from the sections retained tautologies and superfluous expressions. Indeed, the act as presented by the committee, is almost one half shorter than the old law. In order to render the act less complicated, and more convenient for reference, the committee, while numbering the sections of the act, consecutively, have endeavored to place under an appropriate caption, every portion of the act relating to a given subject.

The committee flatter themselves that the system they present will lessen the cost of administration, nearly if not quite, one half, and at the same time, shorten the time necessary to take an estate out of the Probate Court. This is the great objection to the old law. The delay and expense consequent upon the old system has rendered it odious to the people, and superinduced an almost universal feeling in favor of a more speedy and less expensive system of settling up of estates of decedents. Owing to the delays and great expense attendant on the old system, small estates are in a great measure absorbed,

and the widow and the orphan deprived of the benefits of the little property that the husband and father in his lifetime, struggled to accumulate for their support and comfort in the hour when they should be deprived of his supporting and protecting care.

The old law is particularly oppressive on those estates, where the assets do not exceed in value what the widow and children are entitled to under the Constitution and exemption laws of the State. In such cases, the committee have provided for a summary turning over, after the return of an inventory of the property, to the widow and children.

They have further provided that estates may be taken out of the Probate Court, at any time after return of inventory, upon the heirs, legatees, or distributees, giving bond to secure the creditors. This, while it fully secures the creditor, enables those who are mostly interested, and to whom the estate belongs, to take control and enjoy the benefit of settling it up.

The only radical change the committee have made, is that of constituting the Chief Justice his own Clerk—or, in other words, abolishing the office of County Clerk. This system has been for several years in force in Alabama, and in some other States of the Union. It has been found to work well. Under our present system the office of Chief Justice, so far as his probate duties are concerned, is almost a sinecure. He has little to do but make orders, which the Clerk enters; when it is necessary to reduce an order to writing before entering it, in ninety-nine cases out of a hundred, it is done by an Attorney. The committee believe that the fees now received by the Chief Justice, for his probate duties, are an onerous and unnecessary expense upon estates, and that he can well afford to do all the work for the fees that the County Clerk now receives. This is a saving of almost one-half, in dollars and cents, to the widow and orphan over the present system, and the committee believe that the interests of estates will be as well, if not better guarded and protected.

In consequence of the abolishment of the office of County Clerk, the committee recommend that the Chief Justice discharge all the duties of that office. This will make the office sufficiently remunerative to insure competent officers.

To carry into effect these recommendations, the committee unanimsly report the accompanying bills (two in number) and recommend their passage.

WM. D. WOOD,
Chairman of the Committee.

Report received and bill read first time.

On motion of Mr. Kittrell, the bill was taken up, read second time, and made the special order for Monday week, and 200 copies ordered to be printed.

Mr. Rainey, by leave, reported as chairman of committee on Internal Improvements, recommending the passage of a bill for the relief of the Texas Western Railroad Company; report received.

Also reported, asking to be discharged from a further consideration of the petition of W. T. Freeman and eighteen others, the relief sought having been provided for by other bills relative to Internal Improvements; report received.

Also reported to the favorable consideration of the House a bill to amend the 29th section of an act approved February 6th, 1854, to incorporate the Sabine and Rio Grande Railroad Company; report received.

On motion of Mr. Ross, the following Senate bills were taken from the Speaker's table, read first and second times and referred as marked:

A bill to amend an act incorporating the Bastrop Academy; referred to committee on Education.

A bill to provide for the enumeration of the inhabitants of Texas for the year 1858; referred to the committee on State Affairs.

A bill to incorporate the Eastern Texas Railroad Company; referred to committee on Internal Improvements.

A bill to incorporate the Grand and subordinate lodges of the order of Free and Accepted Masons in the State of Texas; referred to committee on State Affairs.

A bill to incorporate the subordinate Chapters of Royal Arch Masons in the State of Texas; referred to committee on State Affairs.

A bill relating to water courses and privileges; referred to committee on Roads, Bridges and Ferries.

A bill for the relief of Robert Baldwin; referred to committee on Claims and Accounts.

On motion, the House adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Lesueur offered the following resolution:

Resolved, That the committee on printing be, and they are hereby instructed, to enquire into the cause of the delay of the printing of the annual reports of the Comptroller and Treasurer, and report the same to the House.

Mr. Hart proposed to amend by adding: "and report of the Commissioner of the General Land Office." Adopted.

The question recurring on the adoption of the resolution as amended, was put, and the House refused to adopt.

On motion of Mr. Roberts, the rule was suspended, and a bill for the relief of Henry Hilton taken up, and amendments of the committee on Private Land Claims adopted, and bill ordered to be engrossed; rule further suspended, read third time and passed.

On motion of Mr. Kirk, the rule was suspended, and a bill to authorize the clerk of the District Court of Nacogdoches county to transcribe certain records therein named was taken up and ordered to be engrossed; rule further suspended, read third time and passed.

On motion of Mr. Lee, the House proceeded to the consideration of the business on the Speaker's table and orders of the day.

A bill for the relief of J. W. Burton taken up, with majority and minority reports from the committee on Claims and Accounts.

Mr. Price moved the engrossment of the bill.

Mr. Jennings proposed to amend by inserting between the words "pay to" and "the heirs" the words "the widow and." Adopted.

On motion of Mr. Harris of Titus, the main question was ordered, which being the engrossment of the bill, the yeas and nays were called for, and the House refused to engross the bill by the following vote:

YEAS—Messrs. Buckley, Higgins, Latham, Lee, Munson, Navarro, Powell, Price, Smith of Orange, and Tait—10.

NAYS—Messrs. Aycok, Brown, Burks, Burnett, Carroll, Chance, Cleveland, Clow, Collier, Craig, Crook, Dalrymple, Dennis, Evans of McLennan, Everett, Fisher, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Henderson of Harris, Henderson of Cass, Hicks, Howerton, Jennings, Johnson, Joseph, Kirk, Kittrell, Lacy, Lesueur, Lewter, Locke, Lloyd, McKinney of Travis, Merriman, Mills, Murrah, Norton, Poag, Rainey, Roberts, Ross, Runnels, Scott, Shannon, Shelton,

Smith of Fannin, Upshaw, Walling, Ward, Waterhouse, Witt and Wood—60.

On motion of Mr. Kirk, Mr. Rhodes was excused from attendance on the House on account of sickness.

On motion of Mr. Upshaw, Mr. Haynes of Washington was excused from attendance on the House on account of sickness.

A bill relinquishing the State tax to certain counties, with a report from committee on Finance, recommending the passage of a substitute for the same, taken up, and substitute adopted.

Mr. Kittrell proposed the following additional section :

“That nine-tenths of the taxes of Madison county be, and the same are hereby relinquished to said county, for the same year, to enable them to build a court house for said county, and shall be applied by them for that purpose only.”

Mr. Harrison proposed to amend by adding the counties of Van Zandt and Wood.

Mr. Brown moved to lay both amendments on the table; lost.

Mr. Chilton moved the previous question; lost.

House refused to adopt Mr. Harrison's amendment.

On motion of Mr. Harris of Titus, Mr. Kittrell's amendment was laid on the table.

Mr. Cleveland proposed to amend by adding the county of Trinity; laid on the table.

Mr. Wælder proposed to amend by adding Bexar county.

Mr. Harris of Titus moved to lay the bill and amendment on the table.

A division of the question was ordered, and the amendment laid on the table.

The question recurring upon laying the bill on the table, the yeas and nays were demanded, and stood :

YEAS.—Messrs. Barnard, Burks, Collier, Cooley, Craig, Crook, Dalrymple, Evans of Austin, Evans of McLennan, Everett, Gaston, Hardin, Harris of Titus, Hart, Henderson of Cass, Henderson of Harris, Hicks, Kirk, Lesueur, Lloyd, McKinney of Travis, Price, Rainey, Reeves, Roberts, Scott, Shelton, Tait and Wood—29.

NAYS.—Messrs. Bee, Brown, Buckley, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Dennis, Fisher, Hall, Hardeman, Harris of Guadalupe, Harrison, Haynes of Starr, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney,

Kittrell, Lacy, Latham, Lee, Lewter, Locke, Merriman, Mills, Navarro, Norton, Poag, Powell, Ross, Runnels, Shannon, Smith of Fannin, Smith of Orange, Tait, Wælder, Walling, Ward, Waterhouse and Witt—45.

So the House refused to lay the bill on the table.

The main question was ordered, which being the engrossment of the bill, the same was put, and bill ordered to be engrossed.

Mr. Latham moved to suspend the rule, in order to put the bill on its third reading and passage ; lost.

On motion of Mr. Upshaw, the rule was suspended, and a Senate bill to permit free persons of African descent to select their own masters and become slaves, taken up.

Mr. Lee moved to refer the bill to the Judiciary committee.

Mr. Chilton proposed to amend by the following proviso :

“Provided said slave shall not be subject to forced sale for any debt incurred by, or judgment rendered against the chosen master prior to the period of enslavement.”

Mr. Rainey moved to make the bill a special order for Thursday next, at 11 o'clock.

Mr. Dennis moved to lay the motion to postpone on the table ; lost.

On motion, the House adjourned until 9½ o'clock, A. M., to-morrow—pending Mr. Rainey's motion to postpone the consideration of the bill to Thursday next at 11 o'clock.

AUSTIN, January 16th, 1858.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Waterhouse presented the petition of thirty-five citizens of Shelby county, to be attached to San Augustine county ; referred to the committee on Counties and County Boundaries.

Also, the petition of one hundred and sixty citizens of San Augustine, asking that a portion of Shelby county be attached to San Augustine ; referred to committee on Counties and County Boundaries.

Mr. Henderson of Harris presented the petition of Charles

G. Fisher, executor ; referred to the committee on Private Land Claims.

Mr. Munson presented the petition of James R. Masterson ; referred to Judiciary committee.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, chairman of committee on Education, reported, recommending the passage of a Senate bill to amend an act to incorporate the Bastrop Academy, approved February 7th, 1853 ; report received, and on motion of Mr. Kittrell, the rule was suspended, and bill taken up—passed to a third reading—read third time and passed.

Also reported, recommending the passage of a bill to incorporate the Union Hill High School ; report received.

On motion of Mr. Harrison, the rule was suspended, and a bill to amend the 1st section of a joint resolution for the relief of the company of Rangers commanded by Capt. William Becknell, in the year 1836, approved February 11th, 1852, taken up ; read and passed to a third reading.

Mr. Wood proposed to amend by adding :

“ Provided, that no warrant shall be approved unless the name of the grantee appears upon the muster roll of the company, now on file in the office of the Commissioner of the Court of Claims.” Adopted.

Bill read third time and passed by a vote of 55 yeas to 14 nays.

Mr. Henderson of Harris, one of the Judiciary committee, reported, recommending the passage of a bill to incorporate the Houston Insurance Company.

On motion of Mr. Henderson of Harris, the rule was suspended, bill taken up and read second time and ordered to be engrossed ; rule further suspended, read third time and passed by a two-thirds vote.

Mr. Cleveland presented the petition of the citizens of Polk county, relative to the removal of certain Indians ; referred to committee on Indian Affairs.

Mr. Buckley presented the petition of E. T. Moore ; referred to committee on Claims and Accounts.

Mr. Bee, chairman of committee on State Affairs, reported, recommending the passage of a Senate bill to incorporate the Grand and subordinate Lodges of Free and Accepted Masons in Texas ; report received.

Also reported, recommending the passage of a Senate bill to

incorporate the Grand and subordinate Chapters of Royal Arch Masons in the State of Texas ; report received.

On motion of Mr. Brown, the rule was suspended, and the bill just reported, to incorporate the Grand and subordinate Lodges of Free and Accepted Masons, taken up and passed to a third reading.

Mr. Price proposed to amend by inserting after the words "\$100,000" the word "respectively." Adopted.

Rule further suspended, bill read third time and passed by a two-thirds vote.

On motion of Mr. Ross, the rule was suspended, and the bill to incorporate the Grand and subordinate Chapters of Royal Arch Masons taken up and passed to a third reading ; rule further suspended, bill read third time and passed by a two-thirds vote.

Mr. Bee also reported, recommending the passage of a bill to provide for an enumeration of the inhabitants of the State of Texas for the year 1858.

The rule was suspended and bill taken up and passed to a third reading ; rule further suspended, bill read third time and passed.

On motion of Mr. Lloyd, the rule was suspended, and an act to incorporate the Millville Male and Female Academy, with a report from the committee on State Affairs, recommending a substitute, was taken up ; substitute adopted, and bill ordered to be engrossed ; rule suspended, read third time and passed by a two-thirds vote.

Mr. Rainey, Chairman of the committee on Internal Improvements, reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Internal Improvements would return to the House the Senate's bill entitled an act to incorporate the Indianola Railroad company, and as the committee believe that the development of the agricultural interests of the State depend, to a considerable degree, upon a connection with the Gulf, they would advise the adoption of those measures which at an early period would afford the facilities of transportation, and as this road proposes to stretch far into the interior, I am instructed to recommend its passage.

Report received.

Mr. Rainey also reported as follows :

HON. F. M. LOCKE,

Speaker of the House of Representatives :

The committee on Internal Improvements, after a proper examination of the Senate's bill to incorporate the Columbus, San Antonio and Rio Grande Railway Company, being satisfied that no provision has been made to furnish the facilities of transportation to a large and extensive portion of the State, and that there are no competing routes presenting a conflict which would retard the progress of this road, or afford the facilities required, and as your committee believe it to be the true policy of Texas to encourage the early completion of those routes reaching to the west, as some one of them in consequence of its speedy construction, may be adopted as the Southern route to the Pacific Ocean, which, in its results, would rivet the chains that bind slavery to the States and Territories South of the line of 36 deg. 30 min., they with one accord instruct me to report the bill again to the House, and respectfully advise its passage with the following amendment :

Amendment.—Strike out the names of Hugh McLeod, John A. Williams, and John G. Todd, wherever they appear in said bill.

Report received.

Mr. Ward, chairman of committee on Enrolled Bills, reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Enrolled Bills, to whom was referred an act to restore Thomas Hoskins to his civil rights, and an act for the relief of Hon. C. A. Frazer and A. W. Terrell, have examined the same, and find it correctly enrolled, properly signed, and have this day presented the same to the Governor for his approval.

WARD,
Chairman Committee.

January 14th, 1858.

Also, a joint resolution instructing our Senators and requesting our Representatives in Congress, on the subject of Indian spoliations ; an act to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan ; and an act for relief of John J. E. Gregory. The

same are correctly enrolled, properly signed, and this day presented to the Governor for his approval.

WARD,
Chairman Committee.

January 16th, 1858.

Report accepted.

On motion of Mr. Jennings, the House took a recess of fifteen minutes.

Recess expired—House met—roll called—quorum present.

The Clerk was instructed to invite the Senate to meet the House in joint session for the purpose of electing a Commissioner of the Court of Claims.

The Senate appeared, headed by their President, Hon. Frank R. Lubbock, who was invited to a seat on the right of the Speaker, and Senators to seats prepared for them.

Joint roll called—quorum present.

The two houses in joint session then proceeded to the election of a Commission of the Court of Claims.

The President announced nominations in order on the part of the Senate, whereupon—

Senator Potter put in nomination the name of J. C. Rushing.

Senator Graham nominated M. D. Ector.

Senator Wigfall nominated Edward Clark.

The Speaker announced nominations in order on part of the House, whereupon—

Mr. Latham nominated J. C. Rushing.

Mr. Buckley nominated M. D. Ector.

Mr. Craig nominated Edward Clark.

The two houses proceeded to vote.

On counting up the joint votes it appeared that Clark had received 57 votes, Rushing 39 votes, and Ector 20 votes.

Those voting in the House for Mr. Clark were :

Messrs. Barnard, Bishop, Cleveland, Collier, Craig, Crook, Dalrymple, Edwards, Fisher, French, Gaston, Hall, Harde-
man, Hardin, Harris of Guadalupe, Harris of Titus, Haynes of
Starr, Haynes of Washington, Henderson of Cass, Hicks,
Howerton, Joseph, Kirk, Lee, Lesueur, Locke, McKenney of
Hopkins, McKinney of Travis, Munson, Navarro, Norton,
Powell, Price, Reeves, Rhodes, Roberts, Rogers, Scott, Shel-
ton, Smith of Fannin, Smith of Orange, Tait and Upshaw

Those voting for Mr. Rushing were :

Messrs. Speaker, Brown, Burks, Burnett, Carroll, Chance, Clow, Cooley, Dennis, Doom, Everett, Harrison, Hart, Henderson of Harris, Higgins, Jennings, Johnson, Kittrell, Latham, Lewter, Merriman, Rainey, Runnels, Shannon, Wælder, Ward, Witt and Wood—28.

Those voting for Mr. Ector were :

Messrs. Aycock, Bee, Buckley, Chilton, Evans of Austin, Holland, Kinney, Lacy, Lloyd, Murrah, Poag Ross, Walling, and Waterhouse—14.

No candidate having received a majority of all the votes cast, the House proceeded to a second vote.

On telling the joint vote, it appeared that Clark had received 66 votes, Rushing 35 votes, and Ector 14.

Those voting in the House for Clark were :

Messrs. Barnard, Bee, Bishop, Carroll, Cleveland, Clow, Collier, Craig, Crook, Dalrymple, Doom, Edwards, Evans of Austin, Fisher, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Howerton, Joseph, Kirk, Lee, Lesueur, Locke, McKenney of Hopkins, McKinney of Travis, Munson, Navarro, Norton, Powell, Price, Reeves, Rhodes, Roberts, Rogers, Scott, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Ward, Waterhouse and Witt—52.

Those voting for Mr. Rushing, were :

Messrs. Speaker, Brown, Burks, Burnett, Chance, Cooley, Dennis, Everett, Harrison, Hart, Higgins, Jennings, Johnson, Kittrell, Latham, Lewter, Merriman, Rainey, Runnels, Wælder and Wood—21.

Those voting for Mr. Ector were :

Messrs. Aycock, Buckley, Chilton, Holland, Kinney, Lacy, Lloyd, Murrah, Poag, Ross and Walling—11.

Ed Clark having received a majority of all the votes cast, was declared elected Commissioner of the Court of Claims according to law.

The Senate then retired to their Chamber.

On motion of Mr. Waterhouse, Mr. Holland was excused from attendance on the House for the remainder of the session, on account of ill health.

Mr. Lee moved to proceed to the business on the Speaker's table and orders of the day.

On motion, the House adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Lee, the House proceeded to business on the Speaker's table.

A House bill for the relief of Lewis Kraatz, with an amendment from the Senate, taken up, and House agreed with the amendment.

A bill to authorize the sale of the interest of Robie C. and Mary Masten in certain lots in the city of Austin taken up; read first and second times and referred to Judiciary committee.

Mr. Johnson, chairman of committee on Engrossed Bills, reported correctly engrossed a bill to incorporate the New Braunfels Academy; report accepted.

A bill to incorporate the Waco Female Academy; read first and second times and referred to committee on Education.

A bill to incorporate the Meridian Male and Female Academy; read first and second time and referred to committee on Education.

A bill to prohibit the emancipation of slaves by Will; read first and second times and referred to committee on Slaves and Slavery.

Joint resolution requesting our Representatives and Senators in Congress to urge the raising of Texas Rangers, for the service of Texas alone, and certain changes in our Indian Affairs; read first and second times and referred to committee on Military Affairs.

A message was received from the Senate, announcing that the Senate had passed—

A bill (originating in the House) for the relief of the Colorado Valley Railroad Company;

A Senate bill for the relief of H. M. Smith; and

A Senate bill amendatory of an act to perfect land titles in Castro's Colony, approved January 22d, 1850.

Mr. Ross, one of committee on Internal Improvements, reported, recommending that a Senate bill to incorporate the Eastern Texas Railroad Company be substituted for a House bill for the same purpose. Report received.

On motion of Mr. Smith of Orange, the rule was suspended, and the report taken up; adopted, and bill passed to a third reading; rule further suspended, bill read third time and passed by a two-thirds vote.

On motion of Mr. Murrah, the rule was suspended, and a joint resolution recognizing the rank of P. W. Humphreys in the Navy of the late Republic of Texas, taken up and ordered to be engrossed ; rule further suspended, read third time and passed.

On motion of Mr. Howerton, the rule was suspended, and a bill to Incorporate the Indianola Railroad Company taken up; read and passed to a third reading ; rule further suspended, bill read third time and passed by a two-thirds vote.

A message was received from the Senate, announcing the passage by that body of a bill to amend an act to regulate Juries.

On motion of Mr. Wood, the rule was suspended, and a bill to incorporate the Mexican Gulf, Texas Central and Missouri Railroad Company taken up.

On motion, the House adjourned until 9½ o'clock Monday morning—pending the reading of the bill.

AUSTIN, January 18th, 1857.

House met pursuant to adjournment—roll called, quorum present. Journal of Saturday read and adopted.

The following communication was taken from the Speaker's table and read :

Gents. of the House of Representatives :

AUSTIN, January 18th, 1857.

Circumstances over which I have had no control, have made it my painful duty to resign the position of Speaker of your honorable body. In severing this connection which has been so pleasant to myself, it creates feelings in my bosom that are better imagined than described. In taking my leave of you, gentlemen, permit me to tender you my unfeigned regards for your manifold kindnesses and courtesy individually and collectively, and as a feeble compensation receive assurances of my lasting friendship for each and all of you.

I have the honor to be, very respectfully, your ob't serv't,

W. S. TAYLOR.

On motion of Mr. Wood the resignation was accepted.

The Chief Clerk took the stand and called the House to order.

Mr. Cleveland offered the following resolution :

Resolved, That the House of Representatives in accepting the resignation of the Honorable Speaker Wm. S. Taylor, do hereby tender him our thanks, for his kind, courteous and efficient discharge of the laborious duties of his office, and further do hereby extend to him our heartfelt sympathies for his own affliction and that of his family ; unanimously adopted.

The Chief Clerk then announced nominations for Speaker in order.

Mr. McKinney of T., moved to declare M. F. Locke, (the present incumbent,) Speaker by acclamation.

The Speaker announced that all elections for officers was required to be ballot.

Mr. Shannon put in nomination the name of Mr. Brown of Galveston.

Mr. McKinney of T. nominated Mr. Locke.

Mr. Shannon nominated Mr. Dennis.

Mr. Brown withdrew his name.

Messrs. Wælder, Witt and Kinney were appointed tellers and the House proceeded to ballot.

On telling the vote it appeared that Mr. Locke had received 39 votes, Mr. Dennis 14 votes, Mr. Brown 13 votes, and blank 1 vote.

Mr. Locke having received a majority of all the votes cast, was declared by the Chief Clerk duly elected Speaker for the remainder of the session.

Messrs. Kittrell and Johnson were appointed to conduct the Speaker elect to the Chair, who performed that duty by introducing as the Speaker of the House of Representatives Hon. M. F. Locke, who addressed the House as follows :

Mr. Locke on being conducted to the Speaker's chair, addressed the House as follows :

Gentlemen of the House of Representatives :

I feel overwhelmed at this renewed testimonial of confidence and approbation of my impotent abilities. To preside over this body composed as it is of gentlemen of capacity and character, my powers of language are inadequate to the task of expressing the feelings of my heart, towards the gentlemen of this House. I have no such vanity as would lead me to believe that I could give general satisfaction in the discharge of the complex duties and responsibilities necessarily incurred by the Chair, in executing and carrying out the established decorum

to which we have subscribed. But the mark of approbation to-day, for the second time expressed, imprints on the tablet of my heart, an obligation as lasting as life, and upon my memory the most vivid and brightest page of my history.

And in conclusion, I can only promise you, that entertaining the profoundest distrust of own capability to discharge the duties of the station to which your generosity and kind feelings have called me, I will bring to the discharge of my duties all the aid that assiduity and attention will afford, and expressing the hope that we may each of us be, as ready to exercise a spirit of conciliation and fairness to others, as to ask the same, I will assume the seat.

A message was received from the Senate announcing that the Senate had passed,

A bill for the relief of E. G. Rector.

A bill to incorporate the Love Bridge and Turnpike Company.

A bill for the relief of the Washington county Railroad Company.

A bill to legalize the acts of the county court of Angelina county.

A bill for the relief of Thomas Leftwick's heirs, and for the relief of Ashmore Edwards.

And a bill granting further time to Rail Road Companies, heretofore incorporated to make the report required of them.

PETITIONS.

Mr. Witt presented the petition of Hugh Kenney ; referred to committee on Private Land Claims.

Mr. Price presented the memorial of Fayette county Agricultural Society ; referred to committee on State Affairs.

Mr. Hardin presented the memorial of sundry citizens of Liberty county ; referred to committee on County and County Boundaries.

Mr. Chance presented the petition of Thomas Russell ; referred to committee on Private Land Claims.

Mr. Aycock presented the petition of Thos. Y. Bailey ; referred to committee on Private Land Claims.

Mr. Wood, one of the Judiciary Committee reported, recommending the passage of a bill to provide for transcribing county records with the following amendment :

Amend caption by striking out " A bill," and insert " an act," strike out " now allowed by law for making original re-

cords" and insert the words, "of fifteen cents for each hundred words;" report received.

Mr. Kittrell Chairman of committee on Education, reported recommending the adoption of a substitute for a bill creating a Board of Trustees, for the management of the State Library; report received.

On motion of Mr. McKinney of Travis, the rule was suspended; report taken up and substitute adopted.

On motion of Mr. Brown the bill, together with a bill to establish an agricultural bureau and State Library, were referred to a select committee consisting of Messrs. McKinney of Travis, Murrah, Brown and Kittrell.

On motion of Mr. Chilton the rule was suspended, and a bill to purchase a site for the Institution of the Deaf and Dumb taken up.

Mr. Kittrell offered a substitute for the bill; adopted, and bill ordered to be engrossed.

Mr. Murrah proposed to amend the caption, so as to read as follows: "a site for the Deaf and Dumb and for the Blind;" lost.

Mr. Chilton proposed to amend by adding after \$7,500, the words, "or so much thereof as may be necessary;" adopted.

Mr. Jennings moved to reconsider the vote refusing to adopt Mr. Murrah's amendment; lost, and bill passed.

Mr. Henderson of Harris, introduced a bill for the relief of Margaret McCormick; read first and second times and referred to committee on Public Debt.

HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Enrolled Bills, to whom was referred an "an act to incorporate the German Free School of the city of Austin." "An act to provide for the enumeration of the inhabitants of the State of Texas for the year 1858." "An act to incorporate the grand and subordinate Chapters of Royal Arch Masons in the State of Texas." "An act to amend an act to incorporate the Bastrop Academy, approved Feb. 7th, 1853." "An act for the relief of the Houston and Central Railroad Company." "An act for the relief of the Colorado Valley Railroad Company." "An act for the relief of Zippon Whiteside and the heirs of Henry Whiteside deceased, and Robert Hughes, Sr." "An act to attach a portion of the county of Trinity to the county of Walker," have examined

the same and find them correctly enrolled, properly signed, and have this day presented them to the Governor for his approval ;" report accepted.

R. H. WARD,
Chairman of Committee.

Jan. 18th, 1858.

Mr. Clow Chairman of committee on Engrossed bills, reported correctly engrossed :

A bill supplemental to an act, to change the time of holding the Courts in the 11th Judicial District.

A bill granting a pension to Lewis Kratz.

And a bill to incorporate the Houston Insurance Company.

Also a joint resolution recognizing the rank of P. W. Humphreys in the Navy of the late Republic of Texas, at the declaration of Independence ; report accepted.

A message was received from the Senate announcing to the House that the Senate had passed a House bill to authorize the Clerk of the county Court of Smith county to transcribe certain records.

And a Senate bill supplemental to and amendatory of an act to establish a Code of Criminal Procedure approved 26th Aug. 1856.

On motion of Mr. Brown the vote passing "A bill incorporating the Indianola Railroad Company" was reconsidered, when

Mr. Brown offered the following amendment :

Amend by adding to the 17th section,

Provided, That unless within twelve months from the date of the first organization of said Company, there shall be an additional amount of stock taken of at least six hundred thousand dollars, with five per cent. thereon paid up, then the said Company shall forfeit all right to extend beyond the town of Gonzales ; adopted, and the bill passed by a two-third vote.

Mr. Buckley introduced a bill reorganizing the 11th Judicial District, and defining the time of holding Courts therein ; read first and second times, and ordered to be engrossed—rule suspended, read third time and passed.

Mr. McKinney of Travis introduced a bill to be entitled an act to register the qualified electors of each county in the State of Texas ; read first and second times, and referred to committee on Privileges and Elections.

Mr. Hardin, Chairman of the committee on the Land Office reported asking to be discharged from the further con-

consideration of a bill to authorize the Commissioner of the General Land Office, to have surveys made in certain cases, and leaving the consideration of the same to the House, the committee being equally divided on the merits of the bill ; report received.

Mr. Jennings chairman of the committee on the Judiciary reported recommending the passage of a bill to amend the second section of an act entitled an act to incorporate the Eastern Texas and Red River Insurance Company ; report received.

Mr. Aycock chairman of the committee on Public Lands, made the following report :

Hon. F. M. LOCKE,

Speaker of the House of Representatives :

The Committee on Public Lands to whom was referred the Senate's bill to be entitled an act to ascertain what land certificates have been illegally issued by the county courts of the counties in Peter's colony, and to provide for issuing patents upon such as are legal, have had the same under consideration and have instructed me to report the same back and recommend its passage with the following amendments :

1st. In the 3d section after the word "months" in the 3d line, insert the words, "from the time of their appointment.

2d. In the 5th line of the 10th section strike out the words "and other necessary expenses."

3d. In the 4th line of the 14th section strike out the words "and their necessary expenses ;" report received.

Mr. Reeves moved to suspend the rule, and take up the report and bill—lost.

Mr. Aycock, also reported, recommending the passage of a bill to authorize the Commissioner of the General Land Office to issue patents upon locations made upon Kemper's island in the Guadalupe river ; report received.

Mr. Aycock introduced a bill to provide for the revising, digesting and arranging the laws of this State of a civil nature ; read first and second times, and referred to the committee on the Judiciary.

A message was received from the Senate announcing to the House that the Senate had passed a bill to reorganize the 3d Judicial District and to prescribe the time of holding courts therein, originating in the House ; and that the Senate had concurred in the amendments of the House to

A Joint Resolution relating to the articles of impeachment now pending at Washington city against the Hon. John C. Watrous ; and to

A bill to amend the 1st section of a Joint Resolution for the relief of the Company of Rangers commanded by Captain William Bicknell, in the year 1836 ; approved February 11th, 1852. And that the Senate had adopted the following resolution :

Resolved, by the Senate, the House concurring, the two Houses of the present Legislature will adjourn, "*sine die*" on the 8th day of February next.

On motion of Mr. Henderson of Harris, the special order of the day was taken up, viz :

A bill supplemental to an act to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State, approved August 13th 1856.

Mr. Wælder offered the following amendment, viz :

"Insert in the 3d line of the 4th section after the word 'Texas,' the following words 'in six equal annual installments beginning at the expiration of the first five years ;'" adopted.

Mr. Wælder offered the following amendment, which was adopted, viz :

"Insert in the 7th line of the 4th section after the word 'same' the following 'including all lands by the Legislature donated or hereafter to be donated to said ship channel.'" "

The question then recurring on the engrossment of the bill, the same was put and the bill ordered to be engrossed by the following vote :

YEAS—Messrs. Barnard, Bee, Bishop, Buckley, Cleveland, Clow, Cooley, Craig, Crook, Dennis, Doom, Evans of Austin, French, Hall, Hardeman, Hardin, Harris of Guadalupe, Hart, Haynes of Star, Henderson of Cass, Hicks, Howerton, Jennings, Johnson, Joseph, Kirk, Lacy, Latham, McKinney of Travis, Merriman, Munson, Navarro, Norton, Poag, Powell, Price, Rainey, Rhodes, Roberts, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling and Waterhouse—48.

NAYS—Messrs. Speaker, Aycock, Burks, Burnett, Carroll, Chance, Collier, Dalrymple, Edwards, Evans of McLennan, Everett, Fisher, Gaston, Harrison, Haynes of Washington, Higgins, Lee, Leseuer, Lewter, Lloyd, McKenney of Hopkins, Murrah, Ross, Runnels, Scott, Shannon, Shelton, Ward and Wood—28.

Mr. Wælder moved to suspend the rule and pass the bill to a third reading, whereupon the yeas and nays were demanded and stood thus:

YEAS—Messrs. Speaker, Barnard, Bee, Bishop, Buckley, Chance, Chilton, Cleveland, Clow, Cooley, Craig, Crook, Dennis, Doom, Evans of Austin, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Star, Haynes of Washington, Henderson of Cass, Hicks, Howerton, Jennings, Johnson, Joseph, Kirk, Kittrell, Latham, McKinney of Travis, Merriman, Munson, Norton, Poag, Powell, Price, Reeves, Roberts, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling and Waterhouse—52.

NAYS—Messrs. Aycock, Burks, Burnett, Dalrymple, Edwards, Evans of McLennan, Everett, Fisher, Higgins, Lacy, Leseuer, Lewter, Lloyd, McKenney of Hopkins, Murrah, Navarro, Rainey, Rhodes, Ross, Runnels, Scott, Shannon, Shelton, Ward and Wood—25.

The Speaker decided that it required a four-fifth vote to suspend the rule.

Mr. Wælder appealed from the Speaker, stating his ground of appeal, viz: that the bill had been read on two several days in the House and that the reading on to-day was not such a reading of the bill as contemplated by the Constitution, and that a two-third vote could suspend the rule—the question upon the appeal was put and the Speaker sustained.

On motion the House adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.,

House met pursuant to adjournment—roll called—quorum present.

Mr. Chance moved to suspend the rule, and take up
A bill for the relief of Samuel McCulloch.

No quorum having voted on the suspension, the motion was lost.

On motion of Mr. Ross the following bills originating in the Senate, were taken from the Speaker's table and acted upon as follows, viz:

A bill to be entitled an act supplementary to and amendatory of an act to establish a code of Criminal Procedure approved 26th of August 1856; read first and second times and

referred to the Judiciary Committee and one hundred copies ordered to be printed for the use of the House.

A bill to be entitled an act to legalize the acts of the county Court of Angelina county; read first and second times, when Mr. Everett moved to suspend the rule and pass the bill to a third reading—lost, and the bill referred to the committee on Counties and County Boundaries.

A bill to be entitled an act for the relief of Thomas Leftwick's heirs, and for the relief of Ashmore Edwards; read first and second times and referred to committee on Private Land Claims.

A bill granting further time to Railroad Companies, heretofore incorporated to make the reports required of them; read first and second times and referred to committee on Internal Improvements.

A bill to be entitled an act to amend an act to regulate Juries; read first and second times and referred to the committee on the Judiciary.

A bill supplementary to an act to perfect land titles in Castro's colony, approved January 2d, 1850; read first and second times and referred to the committee on State Affairs.

A bill for the relief of H. M. Smith of Rusk county; read first and second times, and referred to the committee on State Affairs.

A bill to incorporate the Love Bridge and Turnpike Company, read first and second times, and referred to committee on State Affairs.

A bill for the relief of Elbridge G. Rector, read first and second times, and referred to the committee on Private Land Claims.

A message was received from the Senate announcing to the House that the Senate had concurred in the amendment of the House to a Senate's bill, to incorporate the Indianola Railroad Company, and that the Senate had reconsidered, amended and passed a bill for the relief of the Colorado Valley Railroad Company.

Senate bills on first reading continued:

A bill for the relief of the Washington county Railroad Company; read first time, and

On motion of Mr. Upshaw, the rule was suspended, and the bill read 2d time, and passed to a third reading, by the following vote:

YEAS—Messrs. Bee, Bishop, Brown, Buckley, Chance, Chil-

ton, Cleveland, Clow, Cooley, Craig, Crook, Dalrymple, Dennis, Doom, Evans of Austin, Evans of McLennan, Hall, Hardeman, Hardin, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Hicks, Howerton, Jennings, Joseph, Kinney, Kirk, Kittrell, Latham, Lee, Leseuer, Merriman, Munson, Navarro, Norton, Powell, Tait, Upshaw, Wælder, Walling. and Waterhouse—43.

NAYS—Messrs. Speaker, Aycock, Burks, Burnett, Carroll, Collier, Everett, Gaston, French, Harris of Titus, Harrison, Hart, Higgins, Johnson, Lacy, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Mills, Murrah, Poag, Rainey, Rhodes, Ross, Scott, Shannon, Shelton, Smith of Fannin, Ward and Wood—31.

On motion of Mr. Henderson of Harris, the special order of the day was taken up, viz :

A Joint Resolution changing the Constitution, with report from educational committee, recommending a substitute ; substitute adopted.

On motion of Mr. Shannon, the previous question was ordered ; the question being on the engrossment of the resolution, the same was put and ordered to be engrossed by a vote of 48 yeas to 25 nays.

A bill to provide for the investment of the special school fund in the bonds of Railroad Companies incorporated by the State, was taken up.

A bill containing the same provisions originating in the Senate was also taken up.

Mr. McKinney of Travis moved to substitute the Senate's for the House bill.

Mr. Evans of McLennan moved to lay the whole matter on the table—lost.

On motion of Mr. Howerton the previous question was ordered, which being on the adoption of the substitute, the same was put, and the substitute was adopted by a vote of 43 yeas to 26 nays.

Mr. Buckley offered the following amendment which was adopted,

Amend by striking out the words "or which commences on a navigable water course where there is no railroad connection out of the State" in the first proviso ; the bill then passed to a third reading.

On motion the House adjourned until half-past nine o'clock A. M., to-morrow.

AUSTIN, January 19th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, one of the Judiciary committee, reported as follows on a bill to authorize the sale of the interest of Robie C. and Mary Marsten in certain Austin city lots:

COMMITTEE ROOM, }
January 19th, 1858. }

Hon. F. M. LOCKE,

Speaker of the House of Representatives.

The committee on the Judiciary to whom was referred the bill from the Senate, to be entitled an act authorizing the sale of the interest of Robie C. and Mary Marsten, in certain lots in the city of Austin, have had the same under consideration, and instruct me to report, that they have deliberated on the bill maturely, and are unable to report in favor of the passage of the bill; because, by the general laws of the land, guardianship of the minors in question, and of their property can be obtained, and if there be a necessity for a sale of their property, or their interest would be promoted thereby, the proper judicial tribunal has full power to act in the premises, and your committee are of the opinion that the proper court having jurisdiction of the subject, is a more appropriate forum in which to determine such matters than the Legislature, even if it has the constitutional power to divest titles to private property either directly or indirectly—a question by no means free of doubt—therefore, they recommend the indefinite postponement of the bill.

C. W. BUCKLEY,
One of the Committee.

Report received.

Mr. Kittrell, Chairman of committee on Education, reported recommending the passage of a bill to incorporate Waco Female Academy; report received.

Also recommended the passage of a bill to incorporate the Meridian Male and Female Academy; report received.

Mr. Buckley, Chairman of committee on Private Land Claims, reported recommending the passage of a bill for the relief of Ashmore Edwards and the heirs of Thomas Leftwick; report received.

On motion of Mr. Cleveland, the rule was suspended, report

and bill taken up, bill substituted for two House bills for the same purpose, and passed to third reading, rule further suspended, bill read third time and passed.

Mr. Higgins, Chairman of a Select committee, reported as follows on a bill for the protection of Artisans, &c. :

JANUARY 18, 1858.

Hon. M. F. LOCKE,

Speaker House of Representatives :

The Select Committee, to whom was referred "an act to be entitled an act for the protection of Artisans, Builders, Mechanics, and persons furnishing building materials," have had the same under consideration, and instruct me to report,

That the provisions of the act are, in the view of your committee, wholesome and salutary, which have long been needed by the country, and it is surprising that so great a length of time has elapsed, without having some law of this character placed on the Statute Book of the State. Such a law would have enabled all persons, embraced within its purview, to have avoided much trouble, expense and litigation, which they have been compelled to undergo, in order to obtain their just rights under the law, as it now is and has been.

Such a law as is contemplated by this act, will entirely do away with all the evils and disadvantages of silent *liens* which at present work many hardships and injuries to innocent parties who should, and of right ought, to be protected at all times and under all circumstances, where protection to them will not result in injuring and damage to those who, in the eye of the law, are viewed as incapable of acting for themselves. Any law which places the rights, privileges, and interests of all those who are effected by it on equal basis, protecting those who merit protection, and punishing those who deserve it, while the law works no injury to any one, should receive the approbation of every man whose advocacy can forward its progress and sustain its action. Such a law, it is believed, is now presented to the House.

While very nearly, if not all distinctive, professions of men in the limits of the State, are protected and secured in the certain payment of what is due them in return for work and labor performed, the Artisan, Builder, Mechanic and persons furnishing building material, have been almost entirely destitute of security and protection in this respect, save by one or two imperfect laws in the nature of *silent liens*, which conse-

quent in so much evil that the utmost difficulty has been found in enforcing them where a disposition was manifested to avoid the law.

The provisions of the act under report, are plain, simple, easily understood, and acted upon by those whose interests demand that its provisions should be invoked ; in addition to this, it places the world on notice of the exact condition of the property against which the lien is noted. Thus preventing all inducement in a very simple manner, to perpetrate fraudulent sales and transfers, and mischievous covering up of property. Because, the law in so many terms, states that the lien shall first be satisfied, having the prior right over all other claims, following the property into the hands of third parties, and such is eminently proper and legitimate. It would be grossly inequitable that outside debts or claims of third parties should be satisfied, while the demand of the builder or furnisher of materials is defeated.

It is the policy of all governments, and especially of the members of the American Confederacy, to secure to the laboring man, the sure and certain return of his well earned wages. Such a policy is, without doubt, eminently proper—a healthy one in its practical workings—proving by experience of incalculable benefit and advantage to large and meritorious classes of men.

It is not for the purpose of oppressing or embarrassing those men who employ the Artisan and Mechanic and Builder, that this law is sought, but that no undue advantage may be taken of the employee ; that the legal rights of either party may be well defined, and bring, thus defined, the remedies and securities prescribed, pursued without legal prejudice or surprise to any one ; that by terms of law, protection may be given against fraud, chicanery, and dishonesty, which might be perpetrated in the absence of the aid and check of the provisions of the law.

All proposed laws should be well and carefully considered, particularly where important interests are effected, before they are perfected into actual laws of the country, bearing for good or evil on the citizens. No right, interest or privilege ought to be abrogated or even jeopardized, when no overruling necessity demands it, but when that necessity arises no slight or trivial cause should hinder or delay the law making power, whenever the fact that the measure proposed, will result in the greater good to the greatest number, it should pass into law. Justice,

the highest and noblest aim of the Legislature, can only be attained by keeping this fact in full view.

The act proposed has received from the committee mature consideration, and they believe that if passed into statute law, it will result in advantage to the country, securing the rights and protecting the interests of many meritorious and praiseworthy men. The committee report the act back to the House without amendment, and recommend its passage.

HIGGINS,

Chairman Select Committee.

Report received and bill read first time.

Mr. Wælder, one of a Select committee, reported recommending the passage of a bill for the protection of persons and property upon the highways, with the following amendments :

3d Sec., 1st and 2d lines, strike out "has been or."

" " 4th line, strike out "in this State," and insert "leading from the city of San Antonio to Matagorda Bay, or on or along any highway or road west of any road leading from said city to said Bay."

Strike out "\$20,000" in 10th Sec., and insert "\$5,000 ;" report received.

Mr. Wælder moved to suspend rule and take up the bill—lost.

Mr. Lee, Chairman of committee on Court of Claims, reported asking that the memorial of the heirs of Dan'l. Martin be referred to committee on Private Land Claims ; report adopted.

Mr. Munson, one of the committee on Claims and Accounts, reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Claims and Accounts, have examined the petition of M. McCormick, asking for \$405, which he alleges is due him by the State for services rendered the late Republic of Texas, in 1836, as express carrier for the period of eight months. Petitioner states that he received a discharge from Gen. Rusk, and applied to Maj. Poe for his pay, who paid him for four months service at the rate of \$3 per day, and script for 320 acres of land, which script he alleges to have lost and states that he should have received compensation for eight instead of four months.

Your committee are of opinion that it would be impolitic on

the part of the State at this day, upon such testimony, to grant the prayer of petitioner. Wherefore, they instruct me to report adversely to petition; report received.

On motion of Mr. Hall, the rule was suspended and a joint resolution relative to the Pecos Indians taken up, and ordered to be engrossed; rule further suspended, read third time and passed.

Mr. Murrah, one of the Judiciary committee reported as follows:

Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The Judiciary committee have examined a bill for the relief of certain persons therein named, and an amendment to the caption. The committee are of opinion that it would be impolitic to pass such a bill. They do not believe that the persons named in the bill are entitled to 320 acres of land at the price of \$20, because they settled upon the land of other persons. It may be stated in addition, that the persons who are intended to be benefitted, had the privilege of the 160 acres pre-emption law, and if they did not avail themselves of it, it was their own fault. The committee are of the opinion that the passage of such a law would have the appearance of at least of rewarding negligence, if not recklessness, in making settlements. And that it would lead to the issue of themselves certificates of the size provided for in the bill. The committee recommend the indefinite postponement of the bill; report received.

Mr. Buckley introduced a bill supplemental to an act, supplemental to and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853, approved December 19th, 1857: read first and second times and referred to Judiciary committee.

Mr. Dalrymple introduced a bill for the relief of Willis Arery, and for the heirs of Jesse Barker; read first and second times and referred to committee on Private Land Claims.

Mr. Reeves introduced a bill to authorize Joseph Morrison or his assignee, to lift a location made by him or his assignee; read first and second times and referred to committee on Public Lands.

A message was received from the Senate announcing the passage of the following Senate bills:

A bill to incorporate McKinney Bridge and Ferry Company.

A bill to fix the time of holding the District Courts in 10th Judicial District.

A bill for the relief of Mrs. Ann T. Hunt, widow of the late Gen. Memucan Hunt, deceased.

A bill for the relief of the heirs of John B. Webb, deceased, and that the Senate had concurred in the first amendment of the House to a Senate bill supplemental to an act to give to each corporate county its own Surveyor, Map and records, and refused to concur in second amendment to said bill.

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Engrossed Bills, to whom was referred sundry bills, beg leave to report as correctly Engrossed the following :

A bill to be entitled an act to incorporate the Millville Male and Female Academy in Rusk county.

A bill to be entitled an act to incorporate Dallas Lodge No 44, I. O. O. F.

A bill to be entitled an act for the relief of Henry Hilton.

A bill to be entitled an act supplementary to an act entitled an act to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State, approved Aug. 13, 1856.

A bill to be entitled an act supplementary to and amendatory to an act providing for the support of schools, approved 29th August, A. D. 1856, and

A bill to purchase a permanent site for the location of the Deaf and Dumb Institution.

THOMAS J. JOHNSON,
One of the Committee.

Report accepted.

On motion of Mr. Henderson of Cass, the rule was suspended and a bill to incorporate the town of Jefferson, taken up.

Mr. Locke proposed to amend as follows :

Provided the corporate authorities shall not have the right to impose a wharfage tax of more than 5 cts. per barrel on any commodity landed at the wharf at Jefferson.

Mr. Rainey proposed to amend the amendment by striking out 5 cents and inserting 3 cents.

Mr. Evans of McL. moved to lay the whole matter on the table—a division of the question was ordered and the two amendments were laid on the table *seriatim*, and the House

refused to lay the bill on the table by a vote of 21 yeas to 57 nays.

Mr. Bee proposed to amend as follows :

Provided that the corporation shall not levy taxes of any description on the property hereby annexed to the town of Jefferson, for the term of two years from the passage of this act.

Mr. Latham proposed to amend the amendment as follows : That said incorporation shall not levy a tax of more than 6½ cents per barrel on measurement freight, nor more than 8 cents per barrel for wet barrels and cotton bales as wharfage, and not more than 2 cts per ton shall be charged for the landing of any Steamboat or other watercraft at any public landing within the limits of said corporation ; laid on the table.

Mr. Brown moved a reference of the bill to a select committee—lost.

Question recurring on the adoption of Mr. Bee's amendment, the same was put and amendment adopted by 44 yeas to 31 nays.

The question then recurring on the engrossment of the bill, the same was put and the House refused to engross the bill by a vote of 36 yeas to 30 nays.

Mr. Rainey, Chairman of the committee on Internal Improvements, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Internal Improvements, after considering the memorial of T. G. Brooks, W. G. W. Jowers, T. W. Elson, A. E. McClure, and others, asking a renewal and extension of the charter of the New Orleans, Texas and Pacific Railway Company, find that Senate's bill entitled an act for the relief of the Texas Western Railroad Company, provides for the renewal and extension as aforesaid, and affords all the relief sought by said memorial, and the committee have adopted said bill as expressive of their views upon the subject. They would, therefore, return the memorial to the House and ask to be relieved from its further consideration ; report received.

On motion of Mr. Witt, the resolution relative to the adjournment *sine die* of the present Legislature was taken from the Speaker's table.

On motion of Mr. Kittrell, the first day of February was

stricken out and the 8th day of February inserted. The question being then on adoption of the resolution, the yeas and nays were demanded and the resolution was adopted by the following vote :

YEAS—Messrs. Speaker, Aycock, Barnard, Buckley, Burks, Burnett, Chance, Craig, Crook, Dennis, Evans of Austin, Fisher, Gaston, Hardin, Haynes of Starr, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Henderson of Cass, Hicks, Howerton, Joseph, Kirk, Kittrell, Lacy, Lesueur, Lloyd, McKenney of Hopkins, Munson, Powell, Rainey, Rogers, Scott, Shannon, Shelton, Smith of Fannin, Tait, Wælder, Walling, Ward, Waterhouse and Witt—44.

NAYS—Messrs. Bee, Bishop, Brown, Carroll, Chilton, Clow, Collier, Cooley, Dalrymple, Doom, Edwards, Evans of McLennan, Everett, Hall, Haynes of Starr, Henderson of Harris, Higgins, Jennings, Johnson, Kinney, Latham, Lee, McKinney of Travis, Merriman, Mills, Navarro, Norton, Poag, Price, Reeves, Rhodes, Roberts, Runnels, Smith of Orange, Upshaw, and Wood—36

Mr. Craig moved to suspend the rule and take up a bill incorporating the Eastern Texas and Red River Insurance Company—lost.

On motion of Mr. Henderson of Harris, the House proceeded to the consideration of the business on the Speaker's table, and the orders of the day, when the following bills were taken up and disposed of, viz :

A bill providing for the reclamation of Fugitive Slaves escaping beyond the limits of the U. S.

On motion of Mr. McKinney of Travis, was postponed until 7 o'clock this evening.

On motion of Mr. Chilton, the rule was suspended and a Joint Resolution authorizing the acceptance of certain proposals for the sale of United States Bonds owned by the State of Texas, was taken up—when,

On motion of Mr. Jennings, a Senates bill containing the same objects, was substituted for the House bill.

On motion of Mr. Wood, the Senate's and House bills were laid on the table.

Mr. McKinney of Travis, introduced a Joint Resolution authorizing the Treasurer to exchange not exceeding two hundred thousand dollars of the U. S. coupon Bonds at par.

Mr. Wood offered a substitute for the Joint Resolution.

Mr. Rainey moved to lay the substitute on the table—lost, and substitute adopted.

On motion of Mr. Latham, the following amendment was adopted, viz : Insert “Comptroler” in the place of “Treasurer” wherever it occurs in the substitute.

On motion of Mr. Brown, the vote just taken on the adoption of Mr. Latham’s amendment, was reconsidered and the amendment was withdrawn.

Mr. Hart offered the following amendment which was adopted, viz : Amend by inserting after “bonds” the words “and coupons,” “and this resolution take effect from and after its passage.”

Mr. Rainey moved to amend by striking out all of the substitute except that which authorizes the Treasurer to exchange the bonds and coupons for coin ; the House refused to adopt the amendment.

On motion of Mr. Brown, the previous question was ordered, which being on the engrossment of the resolution, the same was put and the bill ordered to be engrossed ; rule further suspended, read third time and passed by a vote of 55 yeas to 5 nays.

Mr Edwards, Chairman of the committee on Military Affairs, reported recommending the immediate passage of a joint resolution requesting our Senators and Representatives in Congress to urge the raising of Texas Rangers for the service of Texas alone, and certain changes in the policy of our Indian affairs ; report received.

Mr. Waterhouse, one of the committee on Enrolled Bills, made the following report :

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The Joint committee on Enrolled Bills, have examined the following bills and resolutions, and find them correctly Enrolled, properly signed, and this day presented to the Governor for his approval, to-wit :

An act to amend the first Section of a joint resolution for the relief of the Company of Rangers, commanded by Capt. William Beckwell in the year 1836, approved February 11th, 1852.

An act to incorporate the Eastern Texas Railroad Company.
A Joint Resolution.

An act to amend an act creating the county of Commanche,

approved 25th January, 1856, and an act amending said act, approved 25th August, 1856.

An act to reorganize the 3d judicial district and to prescribe the times of holding courts therein.

An act authorizing the Governor to draw and distribute the Arms and accoutrements from the U. S. Government to which the State of Texas is entitled.

An act to consolidate in one act and amend the several acts incorporating the town of Rusk in Cherokee county.

An act granting a pension to Lewis Kraatz.

RICHARD WATERHOUSE,

One of the Committee.

Also an act to be entitled an act for the relief of Thomas Leftwicks' heirs, and for the relief of Ashmore Edwards.

RICHARD WATERHOUSE,

One of the Committee.

19th January, 1858.

On motion, the House adjourned until 7 o'clock P. M.

7 O'clock, P. M.

House met—roll called, quorum present.

A bill for the reclamation of slaves escaping beyond the slave territories of the United States, taken up.

On motion of Mr. Brown, the following Senate bills were taken up, read first and second times and referred as marked.

A bill for the relief of Mrs. Ann T. Hunt; referred to the committee on Claims and Accounts.

A bill for the relief of John B. Webb's heirs; read first and second times.

On motion of Mr. Carroll, the rule was suspended, and bill referred to the committee on Public Lands.

A bill to incorporate McKinney Bridge and Ferry Company; referred to the committee on Roads, Bridges and Ferries.

A bill to fix the time of holding District Courts in the 10th Judicial District; read first and second times; on motion of Mr. Howerton, passed to a third reading; rule further suspended, read third time and passed.

A bill supplemental to an act to give to each corporate county in the State its own map and surveyor—Senate bill

with House amendment. House insisted on its amendment, and Messrs. Brown, Barnard and Ross appointed a committee of conference.

The special order, viz : Fugitive Slave bill, again taken up.

On motion of Mr. Dennis, the rule was suspended, and a bill for the relief of the Colorado Valley Railroad Company, with a Senate amendment, taken up, and House concurred in the amendment.

Fugitive Slave bill again taken up, and on motion of Mr. McKinney, made the special order for 7 o'clock to-morrow, P. M.

On motion of Mr. Wælder, a bill to change the time of holding courts in the 18th Judicial District, taken up, read second time.

Mr. Wælder proposed to amend as follows : (amendments not sent up—*Pub.*) adopted, and bill ordered to be engrossed ; rule further suspended, read third time and passed.

On motion of Mr. Upshaw, the rule was suspended, and a bill to incorporate Union Hill High School, taken up, read second time and ordered to be engrossed ; rule further suspended, read third time and passed by a two-thirds vote.

On motion of Mr. Shannon, the rule was suspended, and a bill for the relief of John K. Waller and family taken up.

Mr. Lee moved to lay the bill on the table ; lost.

On motion of Mr. Murrah, the bill was postponed until 10 o'clock to-morrow.

On motion of Mr. Henderson of Harris, Senate bills on third reading were taken up.

Aransas Bay bill taken up.

A bill for the relief of Samuel McCulloch ; read third time and passed.

A bill for the relief of Mrs. Mary A. Collins ; passed to a third reading ; rule suspended, read third time and passed.

A bill for the relief of the Texas Western Railroad Company ; passed to a third reading ; rule suspended, bill read third time.

A bill amendatory of an act to provide for the investment of the special school fund in bonds of railroad companies.

Question being on the final passage of the bill, the yeas and nays were demanded, and stood :

YEAS.—Messrs. Barnard, Bee, Bishop, Buckley, Chilton, Cleveland, Clow, Cooley, Craig, Crook, Dennis, Doom, French, Hall, Hardin, Hardeman, Harris of Guadalupe, Harris of

Titus, Hart, Haynes of Washington, Henderson of Harris, Hicks, Howerton, Jennings, Johnson, Joseph, Kittrell, Lacy, Latham, McKinney of Travis, Merriman, Munson, Navarro, Norton, Poag, Powell, Price, Rhodes, Roberts, Rogers, Smith of Fannin, Tait, Upshaw, Wælder, Walling and Waterhouse—44.

NAYS.—Messrs. Speaker, Aycock, Brown, Burks, Burnett, Carroll, Chance, Collier, Dalrymple, Edwards, Evans of McLennan, Everett, Gaston, Harrison, Henderson of Cass, Higgins, Kirk, Lee, Lesueur, Lewter, Lloyd, McKenney of Hopkins, Murrah, Rainey, Ross, Scott, Shannon, Smith of Orange, Shelton, Ward, Witt and Wood—32.

So the bill passed.

A bill to amend the 4th section of an act for the investment of the special school fund, taken up and read.

Mr. Murrah proposed to amend as follows :

Amend by striking out in the 11th line, "25," and insert "15," and by inserting, in the 22d line from the top, "within the limits of this State," between the words "miles" and "which."

Mr. Witt moved to lay the amendment on the table ; lost.

Question recurring upon the adoption of the amendment, the yeas and nays were called, and stood thus :

YEAS—Messrs. Bishop, Buckley, Craig, Doom, Edwards, Evans of McLennan, Hall, Hardin, Harris of Titus, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Lee, McKinney of Travis, Mills, Munson, Murrah, Navarro, Norton, Powell, Price, Rhodes, Roberts, Scott, Smith of Fannin, Tait, Upshaw, Walling and Waterhouse—37.

NAYS—Messrs. Speaker, Aycock, Barnard, Bee, Brown, Burks, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Crook, Dalrymple, Dennis, Everett, Gaston, Harris of Guadalupe, Harrison, Hart, Higgins, Kittrell, Lacy, Lewter, Lesueur, Lloyd, McKenney of Hopkins, Merriman, Poag, Rainey, Rogers, Ross, Shannon, Shelton, Wælder, Wood and Witt—40.

So the House refused to adopt the first part of the amendment; second part of the amendment adopted.

Mr. Buckley proposed to amend the caption by adding "in bonds of railroad companies incorporated by the State ; adopted."

Mr. Ross proposed to amend by striking out "five" wher-

ever it occurs in the bill, and insert "ten miles;" and for every consecutive ten miles of iron laid down.

Mr. Price moved to adjourn until 9½ o'clock, A. M., to-morrow; lost.

Mr. Witt moved to postpone the bill until Friday next, and make it a special order.

Mr. Henderson of Harris moved to lay the motion on the table; carried.

Mr. Everett moved the previous question; seconded, and main question ordered; which being the adoption of Mr. Ross' amendment, the yeas and nays were demanded, and stood:

YEAS—Messrs. Bee, Burks, Carroll, Crook, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Johnson, Lacy, Lewter, Lloyd, Merriman, Norton, Poag, Rainey, Reeves, Ross, Shannon, Walling, Waterhouse, Witt and Wood—25.

NAYS—Messrs. Speaker, Aycock, Barnard, Bishop, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Collier, Craig, Dalrymple, Dennis, Edwards, French, Hardin, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Joseph, Kinney, Kirk, Kittrell, Latham, Lee, Lesueur, McKinney of Travis, Mills, Murrah, Powell, Price, Rhodes, Roberts, Rogers, Runnels, Scott, Shelton, Smith of Fannin, Tait, Upshaw, Wælder and Ward—47.

So the House refused to adopt the amendment.

The question being on the final passage of the bill.

Mr. Witt moved a call of the House.

The Speaker decided the motion out of order, pending the previous question.

Question of the final passage, yeas and nays demanded, and stood:

YEAS—Messrs. Speaker, Aycock, Barnard, Bee, Bishop, Brown, Buckley, Burnett, Chance, Chilton, Cleveland, Clow, Collier, Craig, Dalrymple, Dennis, Edwards, Fisher, French, Hall, Hardin, Harris of Guadalupe, Harris of Titus, Haynes of Washington, Henderson of Cass, Hendersoa of Harris, Hicks, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Latham, Lee, Lesueur, Lloyd, McKinney of Travis, Merriman, Mills, Murrah, Powell, Price, Rainey, Rhodes, Roberts, Rogers, Runnels, Scott, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Walling and Waterhouse—58.

NAYS—Messrs. Burks, Carroll, Crook, Everett, Gaston, Poag, McKenney of Hopkins, Reeves and Witt—9.

So the bill passed.

Mr. Runnels asked and obtained leave to vote against the Aransas Bay bill.

On motion the House adjourned until 9½ o'clock, A. M., to-morrow.

AUSTIN, January 20th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted

On motion of Mr. McKinney of Travis, a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to have Post Offices and U. S. Court Rooms built at Tyler and Austin, was taken up, ordered to be engrossed; rule suspended, read third time and passed.

On motion of Mr. Murrah, the rule was suspended, and a bill amending 2d section of an act to incorporate the Eastern Texas and Red River Insurance Company was taken up; ordered to be engrossed; rule suspended, read third time and passed by a two-thirds vote.

PETITIONS.

Mr. Lee presented the petition of Samuel J. Bishop.

Mr. Evans of McLennan moved to reject the petition; lost, and petition was referred to committee on Probate Law.

REPORTS OF STANDING COMMITTEES.

Mr. Bee, chairman of the committee on State Affairs, made the following report:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on State Affairs report back with an amendment "a bill supplementary to an act to perfect land titles in Castro's Colony," and recommend its passage. The bill, as proposed to be amended, will embrace the appointment of a Commissioner to issue certificates to the colonists of Castro who have not received their lands. The act of January provided for the appointment of a Commissioner to issue the certificates, under proper proof being made, and under that act a

Commissioner was appointed, who, before discharging his duties, left the country, and the colonists were without remedy. The colonists were entitled to their lands, and the committee believe that it is but just that the Commissioner should be appointed.

Amendment.—Strike out the second section of the bill.

Report received.

Mr. Bee also reported, recommending the passage of a bill for the relief of H. M. Smith of Rusk county; report received.

Also reported, recommending the passage of a bill to incorporate the Love Bridge and Turnpike Company, with the following amendment:

Strike out the word "Love" in the caption, or wherever it occurs in the bill, and insert "Nueces."

Report received.

Also reported, recommending the passage of a bill to authorize the County Court of Gonzales county to levy and collect a special tax; report received.

Mr. Reeves, one of the committee on Public Lands, reported, recommending the passage of a bill for the relief of Wm. J. Whiting, with the following amendment:

"Provided that he has never received an unconditional certificate."

On motion of Mr. Reeves, the rule was suspended, and bill taken up; amendment proposed by the committee adopted, and bill passed to a third reading; rule further suspended, read third time and passed.

Mr. Chance, one of the committee on Private Land Claims, made the following report:

COMMITTEE ROOM,
January 19th 1858. }

Hon. M. F. LOCKE,

Speaker of the House of Representatives;

Your committee, to whom was referred the petition of Isaac N. Hitchcock, asking that the unconditional headright certificate for three hundred and twenty acres of land issued to him by the county court of Burleson county, acting as a Board of Land Commissioners, be confirmed, and that he have a certificate for the amount of land he is entitled to under the law, have considered the same, and beg leave to make this report: They find the facts to be that the said Isaac N. Hitchcock, on

the 5th day of September 1839, did obtain from the County Court of Washington county a conditional certificate for three hundred and twenty acres of land, and subsequently, to-wit: on the 19th day of February, A. D. 1850, the County Court of Burleson county, acting as a Board of Land Commissioners, did issue to said Isaac N. Hitchcock, upon proof being made by his agent, M. H. Hitchcock, that he had complied with all the conditions upon which said conditional certificate was issued. And your committee find that said unconditional certificate was presented to the Commissioner of the Court of Claims and by him rejected, for the reason alone that the unconditional certificate was issued to the agent, and it did not appear that the said Isaac N. Hitchcock was personally present.

Your committee find, not only from the original papers before them, but also from other evidence, that the said Isaac N. Hitchcock did comply with all the conditions of the law under which the said certificate was issued, and that the relief prayed for ought to be granted, and that the petitioner ought to receive an unconditional certificate for three hundred and twenty acres of land.

In view of the facts, your committee report the accompanying bill and ask its passage.

CHANCE,

One of the Committee.

Report received and bill read first time.

On motion of Mr. Chance, the rule was suspended, report and bill taken up; bill read second time and ordered to be engrossed; rule suspended, read third time and passed.

A message was received from the Senate, announcing that the Senate had passed a bill supplemental to an act to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan.

Mr. Buckley, chairman of committee on Judicial Districts, reported, recommending the passage of a bill to prescribe the time of holding courts in the 5th Judicial District, and a bill to amend an act to create the 15th Judicial District, to provide for the election of a Judge and District Attorney thereof, and define the time of holding courts therein, approved 21st January, 1856.

Report received and bill read first time.

On motion of Mr. Buckley, the rule was suspended, and the

bills taken up ; read second time and ordered to be engrossed ; rule further suspended, bills read third time and passed.

Mr. Wælder, one of the same committee, reported, recommending the passage of a bill defining the time of holding courts in the 4th Judicial District ; report received and bill read first time ; rule suspended, bill read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

Mr. Henderson of Harris, introduced a bill to define the 7th Judicial District and the time of holding courts therein ; read first and second times and ordered to be engrossed ; rule further suspended, read third time and passed.

Mr. Cooley, one of the committee on Public Lands, reported as follows on a bill relative to settlers on public domain, located by virtue of Peter's Colony certificates :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Lands, having duly considered a bill referred thereto, to be entitled "an act for the relief of settlers upon the public domain, located by virtue of Peters' Colony certificates, issued since the 1st day of February, 1855," and not having arrived at entire unanimity as to the demerits of the proposed measure, the undersigned beg leave respectfully to report adversely to the same, recommending an indefinite postponement of the bill and all substitutes.

A measure so manifestly unjust and in contravention of established policy—furnishing a precedent for legalizing (temporarily or permanently) all the vast frauds and illegal claims that flood our State, scarcely merits a word in argument or explanation of what we recommend. Yet, in compliance with custom, we submit the following among the many reasons and considerations upon which our opinion is based :

The act, if passed, would legalize and render effective (for the time, at least,) every illegal or fraudulent certificate issued in that Colony. It is believed that the most, if not all of those certificates are located, and every one of them readily could and doubtless would be transferred to innocent purchasers, so as to bring them within the operation of the relieving provisions of this bill. The deductions are plain :

1st. A bounty would thus be granted for the perpetration of frauds against the State.

2d. An unjust preference would be given to certain illegal

or fraudulent claims which present, of all others, the least merit.—[See Report of Peters' Colony Commissioners.]

3d. A precedent would be established under which thousands, perhaps millions, of far better fraudulent land claims would be urged upon the favorable consideration of the Legislature.

Confident, therefore, that our Government was not prepared to acknowledge that the manufacture or possession of illegal or fraudulent certificates constituted any valid claim against the State, nor to inaugurate a corresponding new policy on the subject, and not being able to conceive that purchasers in Peters' Colony were entitled to any special favor over other holders of fraudulent land claims we could not assent to this or any special measure for their relief.

A. O. COOLEY,
M. F. ROBERTS,
A. G. HAYNES,
B. F. CARROLL,
JAMES G. COLLIER,
JOHN S. CLEVELAND,

On motion of Mr. Doom, the rule was suspended, and a Senate substitute for a House bill to permanently locate the county site of Angelina county, taken up.

The House refused to agree to the substitute, and appointed Messrs. Jennings, Everett and Kirk, a committee of Conference to act with a like committee of the Senate on the same.

On motion of Mr. Kirk, the rule was suspended, and a bill for the regulation of Patrols and to prescribe their duties, taken up and read second time.

Mr. Wood offered the following amendment:

“Persons appointed as patrols, under the provisions of this act, shall be required to take an oath before some officer of the county authorized to administer oaths, to well and truly discharge the duties required of them under the provisions of this act.” Adopted.

Mr. Burnett proposed to amend by appointing two companies in each town precinct, if thought necessary. Adopted.

On motion of Mr. Chilton, the vote adopting Mr. Wood's amendment was reconsidered, and on motion of Mr. Locke, the amendment was laid on the table.

Mr. Lesueur proposed to amend by inserting after “thirty-nine lashes,” wherever the same occurs “not injuring the value of said slave.”

Adopted, and bill ordered to be engrossed; rule further suspended, bill read third time and passed.

On motion of Mr. Upshaw, the rule was suspended, and a bill for the relief of the Washington County Railroad Company taken up, and read third time.

On motion, the House adjourned until 7 o'clock P. M.

Pending the final passage of the bill.

7 O'CLOCK. P. M.

House met pursuant to adjournment—roll called—quorum present.

Question pending when the House adjourned, viz: Washington County Railroad bill, taken up.

A message was received from the Senate, announcing that that body had appointed Senators Fall and Guinn a committee of Conference, to act with the House committee on the substitute of the Senate for a House bill to permanently locate the county site of Angelina county; and Senators Erath and McCulloch a committee of Conference to act with House committee on amendments to a bill to give to each corporate county in the State, its own surveyor, map and records; also, that the Senate had concurred in all the House amendments, except the third, to a bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved 4th February, 1856, and also the act supplemental thereto, approved 5th February 1856.

[Mr. BROWN in the Chair.]

Mr. Reeves moved the previous question.

On motion, a call of the House was ordered.

Mr. Munson moved to suspend the call; lost.

Absentees—Messrs. Baldwin, Crawford, Cooley, Edwards, Johnson and McKenney of Hopkins.

On motion, the Sergeant-at-Arms was dispatched after absentees.

Messrs. McKenney of Hopkins and Edwards were announced at the door.

Mr. Lee moved a suspension of the call; lost.

Mr. Johnson was announced at the door.

Mr. Reeves moved to excuse Mr. Cooley from attendance on the House.

The Chair announced that it had been established as a pre-

cedent that no motion could be entertained pending a call of the House, except a motion to suspend the call or to adjourn.

Mr. Munson moved a suspension of the call ; lost.

Mr. Lee moved a suspension of the call ; lost.

Mr. Lesueur moved a suspension of the call ; carried.

Mr. Reeves again moved the previous question.

Mr. Poag moved a call of the House ; carried.

Absentees—Messrs. Baldwin, Cooley, Crawford, Dalrymple and Hart.

Mr. Crook moved to adjourn until 9½ o'clock, A. M., to-morrow ; lost.

Mr. Witt moved to adjourn until 9 o'clock, A. M., to-morrow ; lost.

Mr. Powell moved a suspension of the call ; lost.

Mr. McKinney of Hopkins moved a suspension of the call ; lost.

Mr. Poag moved to adjourn until 9 o'clock, A. M., to-morrow ; lost.

Mr. Rainey moved to adjourn until 9½ o'clock, A. M., to-morrow ; lost.

Mr. Smith of Fannin, moved to adjourn until 10 o'clock, A. M., to-morrow ; lost.

Mr. Locke moved to suspend the call ; lost.

Mr. Hart was announced as present.

Mr. Crook moved to adjourn until 9½ o'clock, A. M., to-morrow ; lost.

Mr. Lee moved to suspend the call ; lost.

Mr. Powell moved to suspend the call ; lost.

Mr. Rainey moved to adjourn until 9 o'clock, A. M., to-morrow ; lost.

On motion of Mr. Ward, the House adjourned until 9½ o'clock, A. M., to-morrow.

AUSTIN, January 21st, 1858.

House met pursuant to adjournment—roll called, quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Howerton presented the petition of sundry citizens of Lavaca county ; referred to committee on Public Lands.

Mr. Cleveland presented the petition of John Loramore ; referred to committee on Private Land Claims.

Also the petition of James Lewis ; referred to committee on Private Land Claims.

Mr. Kittrell presented the petition of the heirs of Alexander McCulloch ; referred to committee on Public Lands.

On motion of Mr. McKinney of Travis, the petition of Rebecca Washington was taken up, and referred to committee on Public Lands.

Mr. Gaston presented the petition of John Murchison ; referred to committee on Private Land Claims.

Mr. Wood by leave offered the following resolution :

Resolved, That the committee on printing be instructed to ascertain why the bill on the subject of land forfeitures has not been printed and returned in accordance to the order of the house, made some two weeks since, and to report to the House to-morrow.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, one of the Judiciary committee reported recommending the passage of a bill supplemental to an act supplementary to and amendatory of an act to regulate Railroad Companies ; approved February 7th, 1853, approved December 19th, 1857 ; report received.

Mr. Price, one of the Judiciary committee reported as follows on a bill concerning ferrymen and boatmen, reporting a substitute :

Hon. M. F. LOCKE,

Speaker House of Representatives :

The committee on the Judiciary to whom was referred a bill entitled an act concerning ferrymen and boatmen, have had the same under consideration, and fully approving the object it contemplates in the main, instruct me to report back the accompanying substitute, by way of amendment to the bill, and recommend its adoption.

The committee are of opinion, that as the law of the day of 1839, exempting certain property therein named from forced sale, provides for farmers, tradesmen, mechanics, and all classes of professional men, there is no good reason why the professional or regular ferryman, whose boat is to him in his occupation what the tools of the mechanic and the books of the lawyer are to them respectively in their several callings, should not have that boat exempted from execu-

tion or other forced sale. Their occupation is one in which the public is deeply interested, and as a class they deserve to be placed by the law upon an equal footing with any and every other class of our citizens, as regards the protection from forced sales of the *direct and indispensable means* with which they obtain a livelihood or subsistence. As a class, their necessities appeal to us as strongly, for this protection, and their claims upon this liberal and beneficent policy of our State, are as valid and urgent as those of any other class of our people.

Wherefore, your committee earnestly ask the speedy passage of the bill ; all of which is respectfully submitted.

L. F. PRICE.

One of the Committee.

Report received.

Mr. Hicks, one of the same committee reported recommending the passage of a bill to incorporate the town of Dallas ; report received.

Mr. Lesueur, one of Committee on Slaves and Slavery, reported recommending the passage of a Senate bill to prohibit the emancipation of slaves by will ; report received.

Mr. Reeves, one of the committee on Public Lands reported recommending the passage of a bill to authorize Joseph Morrison or his assignee to lift a location made by him or his assignee ; report received.

Mr. Price, one of the committee on Public Debt, reported again recommending the passage of a bill for the relief of Alexander Patrick ; report received.

Mr. Carroll, one of the committee on Public Lands reported as follows on a bill for the relief of the heirs of John B. Webb :

TO THE HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred a Senate's bill, entitled an act for the relief of the heirs of John B. Webb, have had the same under consideration, and find the following facts ; that said Webb was actually in the State of Texas in the years 1834, 1835 and 1836 and from that time on until he died some time in the years 1841 or 1842, that he was in the service of the country as a soldier during that time, that he never left the country or refused to participate in the struggle for our independence, but on the contrary lived on the frontiers of Robertson county, and was ever ready to con-

front the dangers of said frontier; that he was entitled to one third of a league, and having received his grants of a league before the war, received from the board of Land Commissioners of Robertson county, a certificate for the balance which ought to have been 369 acres, but said board in error granted said certificate for 371 acres, or more, which gave grounds afterwards for the traveling board to reject said certificate, unknown to the claimants, as he knew of no reason why said certificate should be so rejected, he never nor his heirs found out that it was so rejected until too late to bring suit; therefore your committee in view of all the facts find sufficient merits in said claim, to report back the bill and recommend its passage.

B. F. CARROLL,
One of the Committee.

Report received.

Mr. Carroll moved to suspend the rule and take up the bill and report—lost.

Mr. Brown, Chairman of committee on Counties and County boundaries, reported recommending the passage of a Senate bill to legalize the acts of the county court of Angelina county; report received.

Mr. Ross, one of the committee on Private Land Claims reported as follows, reporting a bill for the relief of the widow and heirs of Daniel Martin, deceased:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the petition of the widow and lawful heirs of Daniel Martin, deceased, have had the same under consideration and after a full investigation of all the testimony connected with the case, have directed me to report that the committee find the following facts, that the said Daniel Martin with his family emigrated to Texas, in the year 1835, and settled upon the waters of Martin's Creek, in what is now called Panola county, on a league of land known as Martin's league, where he resided until his death in 1851. That the said Daniel Martin was known to all the old settlers of Nacogdoches and Harrison counties, and many others in different parts of the State, who from time to time travelled on what was familiarly known as Trammel's trace, the only thoroughfare through that part of the country in those days. And from the fact that

he had to contend with the aborigines of the country and more than once in his cabin had to sustain their murderous assaults, your committee further find that the said Daniel Martin obtained from the then authorities a headright certificate for one league and labor in Zavaller's colony, and the said Martin supposed all was right and located it accordingly, but after many years residence on the same, finds that it cannot be patented because the Land Office was closed by law before the same was issued, and consequently the file as headright was null and void. Your committee, from the above recited facts believe the widow and heirs of the said Daniel Martin, deceased, are in justice entitled to a certificate for one league and labor of land, and direct me to report the same back to the House with the accompanying bill for their relief and recommend its immediate passage.

WILLIAM M. ROSS,

One of the committee.

Report received, and bill read first time.

Mr. Buckley, Chairman of the committee on Private Land Claims, reported a bill for the relief of William Davis, and recommended its passage ; report received and bill read first time.

Mr. Buckley also reported as follows : reporting a bill for the relief of Willis Avery and others :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Willis Avery, the heirs of Jesse Barker, James Smith, Jacob Eberly and Jacob Connor, have had the same under consideration, and find that each of the parties, to wit, Avery, Barker, Smith, Eberly and Connor, emigrated to Texas several years prior to the Texas revolution, were each the head of a family, and were each received as a colonist by Stephen F. Austin. Each of the parties received a grant for one league of land in said colony, which was respectively surveyed upon Brushy creek, (now Williamson county,) and they settled upon their respective grants, and have resided there ever since, supposing that their titles were unquestionable, until by a recent decision of the Supreme Court, it has been ascertained and determined, that all the grants made as aforesaid are without the limits of Austin's colony, and are therefore void. They also find that all of said grants have been located

an by other parties, consequently they have each wholly lost their several leagues of land. In view of these facts your committee are unanimously of the opinion that each of said parties are entitled to the relief sought, and instruct me to report the accompanying substitute for the bill referred to them, and recommend its passage.

C. W. BUCKLEY,
Chairman.

A BILL TO BE ENTITLED AN ACT, for the relief of Willis Avery, James Smith, Jacob Eberly, Jacob Connor, and the heirs of Jesse Barker :

Be it enacted by the Legislature of the State of Texas :— That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Willis Avery, James Smith, Jacob Eberley, Jacob Connor, and the heirs of Jesse Barker, a certificate for one league of land each, in lieu of their respective grants of one league of land each, which have been ascertained by a decision of the Supreme Court, to be null and void. And said certificates may be located upon any of the public domain, and patented as in ordinary cases, and that this act be in force from its passage.

Report received and bill read first time.

Mr. Kirk, one of the committee on Private Land Claims reported recommending the indefinite postponement of the petition of M. A. Long ; report received.

Also reported, asking to be discharged from the further consideration of a bill for the relief of the heirs of Samuel C. King, recommending that the parties be allowed to withdraw the papers ; report received.

Mr. Burnett one of the same committee, reported unfavorably upon the petition of Hugh Kinney ; report received.

Mr. Lewter, Chairman of the committee on Roads, Bridges and Ferries, reported recommending the passage of a Senate bill relative to water courses and privileges ; report received.

Mr. Kirk, one of the committee on Private Land Claims, reported a bill for the relief of G. W. Goodwin ; report received and bill read first time.

Mr. Waterhouse, one of the committee on Enrolled bills, reported correctly enrolled, properly signed, and presented for Executive approval :

A bill to incorporate the Indianola Railroad Company.

A bill for the relief of Samuel McCulloch.

A bill for the relief of the Colorado Valley Railroad Company.

A bill to authorize the Clerk of the County Court of Smith County to transcribe certain records.

A bill for the relief of Mary A. Collins.

And a bill for the relief of the Texas Western Railroad Company ; report accepted.

Mr. Clow, one of the committee on Engrossed bills reported correctly engrossed :

A bill to authorize the Clerk of the District Court of Nacogdoches county to transcribe certain records.

A bill to relinquish the State tax for the years 1858 and 1859, to certain counties therein named.

A bill amendatory of an act to locate the county site of Kaufman county, approved December 2d, 1850.

An act to provide for the erection of public buildings in Kaufman county, approved December 13th, 1851.

A bill to incorporate the town of Clinton, in De Witt county.

A bill to incorporate the town of Gilmer.

And a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence in Congress to procure the erection of U. S. Court Houses and Post Offices in Austin and Tyler ; report accepted.

Mr. Wælder, Chairman of Committee on Indian Affairs, reported recommending the passage of a bill, reserving from location those lands in Polk county now occupied by Indians, and Joint Resolutions relative to Indians residing in Polk county :

Hon M. F. LOCKE,

Speaker pro tem. House of Representatives :

The committee on Indian Affairs, who were instructed by resolution of the House, "to enquire into the expediency of removing the Indians now residing in Polk county to the Indian Reserve on the Western frontier," have had the same under consideration, and beg leave to report as follows :

In the opinion of the committee, the necessity exists for the removal of the Indians now settled in Polk county. They were there settled by act of the last Legislature. It was then supposed, no doubt, that by placing those Indians upon fertile lands in the neighborhood of a thrifty agricultural population, they would more readily adapt themselves to civilized

life, imitate the example of the people surrounding them, become tillers of the soil, and thus be enabled to provide their own subsistence, and in time, become useful members of society.

An experience of near two years has proved the contrary, as your committee feel constrained to believe from the representations made to them.

The question then arises as to the duty of the State with reference to the Indians above named. It seems clear that they are an annoyance to the white population of Polk county; that they cannot be left to reside where they now do; indeed, that for their own security their removal is unavoidable.

Your committee do not doubt that these Indians might be removed to the Reserves within the limits of this State, and there placed under the charge of the U. S. Indian Agents.—If thus removed, however, they would be brought in contact with other tribes, less civilized even than these Alabamas, among whom they could not probably exist. It is believed that their situation among the Comanches, Lipans and other wild tribes would be one of great danger; in fact, that placing them in the midst of those tribes would be little short of passing sentence of extermination upon them.

In view of this difficulty, your committee deem proper to advise that the Governor be authorized to secure to the above Indians a permanent home in the Indian Territory of the United States. In that Territory, they can be placed among friendly, if not kindred tribes—Indians with whom they can associate, affiliate, and among whom their days can be passed in security, while their advancement towards civilization would be commensurate to their adaptation to that happy end.

Your committee suggest, that by sending an agent to the Indian Territory of the United States, the Governor will be enabled to effect such an arrangement as will accomplish the object here recommended.

For this purpose the accompanying Joint Resolutions are reported, and their speedy passage respectfully recommended. The amount suggested as an appropriation will, in the opinion of your committee, be sufficient to defray all the expenses that may arise in carrying out the plan herein set forth, including the cost of removing the Indians, after their new home shall have been selected and secured.

The lands which were heretofore purchased for these Indians, and which will revert to the State whenever they are

removed therefrom, will be of sufficient value to reimburse the State to a great extent, if not altogether, for the expenses that will be incurred in carrying out the above plan, if the same should be adopted by the Legislature.

Your committee further report herewith a bill reserving from location the lands now occupied by the Indians in Polk county. All of which is respectfully submitted.

JACOB WÆLDER, Chairman.

Report received, and bill and joint resolutions read first time.

A message was received from the Senate, announcing that the Senate had passed

A bill to readjust the boundaries between San Patricio and Nueces counties, notwithstanding the objections of his Excellency the Governor ;

A bill to legalize the acts of Wm. T. Harris, County Surveyor of Wood county ;

A bill making an appropriation for the payment of certain Public Debt of the late Republic of Texas, "2nd Class C.;"

And a House bill for the relief of Geo. W. Newcome ;

Also that the Senate had adopted the report of the Committee of Conference upon a bill to give to each corporate county its own surveyor, map and records.

BILLS AND RESOLUTIONS.

Mr. Navarro introduced a bill to be entitled an act providing that damages may be secured in cases of homicide not justifiable or excusable; read first and second times and referred to the committee on the Judiciary.

Mr. Clow introduced a bill to incorporate the Lavaca Insurance company; read first and second times and referred to the committee on State Affairs.

Mr. French introduced a bill for the relief of John T. Russell; read first and second times and referred to the committee on Claims and Accounts.

Mr. Joseph introduced a bill to incorporate the Texas Magnetic Telegraph Company; read first and second times and referred to the committee on Internal Improvements.

Mr. Haynes of Starr introduced, by leave, the petition of Charles E. Aikens for pay as a volunteer; referred to the committee on Claims and Accounts.

Mr. Burnett introduced the following resolution:

WHEREAS The present session of the Legislature is drawing to a close, and there being much important business yet to

be disposed of, and as more harmony would result from a regular course of action ; therefore,

Be it resolved by this House, That no new business be taken up or acted on until the entire business now before the House is finally disposed of.

Laid on the table one day for consideration.

The Speaker submitted the following resolution to the consideration of the House :

Resolved, That hereafter during night sessions the Sergeant-at-Arms and Doorkeeper shall be required to permit no individual spectator to come within the bar of the House of Representatives except by special permission of a majority of the members present.

Mr. Fisher moved to lay the resolution on the table ; lost by a vote of 25 yeas to 52 nays.

Mr. Rainey moved to amend by inserting after the word "spectator" "the ladies excepted."

On motion of Mr. Chilton the resolution and amendment were laid on the table.

On motion of Mr. Henderson of Harris, the House proceeded to the consideration of the business on the Speaker's table and the

ORDERS OF THE DAY.

On motion of Mr. Bee, the vote just taken, taking up the business on the Speaker's table and orders of the day, was reconsidered.

Mr. Witt moved to suspend the rule and take up the Senate's bills on the Speaker's table, with a view to their reference ; lost.

The unfinished business of yesterday was then taken up.

The motion pending on adjournment, was the motion of Mr. Reeves for the previous question on the passage of a bill for the relief of the Washington county Railroad Company ; whereupon,

On motion of Mr. Rainey a call of the House was ordered.

Mr. Henderson of Cass moved to excuse Mr. Ward ; House refused to excuse.

On motion of Mr. Bee the call was suspended, and the main question ordered, which being on the final passage of the bill, the same was put and stood thus :

YEAS—Messrs. Barnard, Bee, Buckley, Chance, Chilton, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Doorn,

Edwards, Evans of Austin, Fisher, Hall, Hardeman, Hardin, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Howerton, Jennings, Joseph, Kinney, Kittrell, Latham, Lee, Lesueur, McKinney of Travis, Merriman, Mills, Munson, Navarro, Norton, Powell, Price, Roberts, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling and Waterhouse—48.

NAYS—Messrs. Speaker, Aycock, Bishop, Brown, Burks, Burnett, Carroll, Collier, Crook, Evans of McLennan, Everett, French, Gaston, Harris of Titus, Harrison, Hart, Hicks, Higgins, Johnson, Lacy, Lewter, Lloyd, McKenney of Hopkins, Murrah, Poag, Rainey, Rhodes, Ross, Runnels, Scott, Shannon, Shelton, Witt and Wood—34.

The Chair decided that the bill had passed, having received a majority vote.

Mr. Poag appealed from the decision of the Chair, stating that it required a two-thirds vote to pass the bill; it being an appropriation.

The question being on sustaining the decision of the Chair, the same was put, and the Chair was sustained by the following vote:

YEAS—Messrs. Aycock, Barnard, Bee, Bishop, Brown, Buckley, Burks, Burnett, Carroll, Chance, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Hicks, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Latham, Lee, Lesueur, Lloyd, McKinney of Travis, Merriman, Mills, Munson, Murrah, Navarro, Norton, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Walling, Waterhouse and Witt—70.

NAYS—Messrs. Everett, Hart, Lewter, McKenney of Hopkins, Poag and Wood—6.

Mr. Chilton introduced a bill to amend an act incorporating the Southern Pacific Railroad Company; read first and second times and referred to the committee on the Judiciary.

On motion of Mr. Munson, the rule was suspended and a bill to amend an act to authorize the County Court of Brazo-

ria county to establish, discontinue and regulate public and private roads, taken up and bill read second time.

Mr. Lee proposed to amend as follows:

Substitute "repeal" for the words "strike out" wherever they occur in the bill; adopted, and bill ordered to be engrossed; rule further suspended, bill read third time and passed.

On motion of Mr. Rainey, the rule was suspended, and a bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, taken up. The House insisted upon its amendment, and Messrs. Munson, Runnels, Shelton and Smith of Fannin were appointed a committee of conference on the disagreement of the two Houses on the third amendment to the bill.

On motion of Mr. Reeves, the rule was suspended and a bill for the relief of Abner C. Davis taken up.

On motion of Mr. Harris of Titus, the House adjourned until 3 o'clock, P. M., pending the bill for the relief of Abner C. Davis.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Hicks, Mr. Bishop was added to the committee of conference on the part of the House on a bill incorporating the Memphis and El Paso Railroad Company.

On motion of Mr. Dennis, Mr. Latham was excused from attendance on the House for the evening.

On motion of Mr. Smith of Fannin, Mr. Ward was added to the committee of conference on the part of the House on the El Paso and Memphis Railroad bill.

The question pending on adjournment was the consideration of a bill for the relief of Abner C. Davis.

Mr. Ross offered the following amendment: "And a further 640 acres for dying in the service."

By leave, Mr. Ross withdrew the amendment, and bill ordered to be engrossed; rule further suspended, read third time and passed.

On motion of Mr. Brown the rule was suspended and a bill supplementary to an act to create the counties of Archer, Mason, Mernard, Zapata, Hardin, Hamilton, Kimble and Buchanan was taken up; read first and second times and passed.

to a third reading ; rule further suspended, read third time and passed.

On motion of Mr. Henderson of Harris, the rule was suspended and a bill for the relief of Jesse Walling was taken up and ordered to be engrossed ; rule further suspended, read third time and passed.

A message was received from the Senate, announcing to the House that the Senate had passed the following bills originating in the House, viz :

An act supplementary to an act to change the time of holding the terms of the District Courts in the 11th Judicial District ;

A bill to authorize the Clerk of the District Court of Nacogdoches county to transcribe certain records therein named ;

A bill to incorporate Dallas Lodge, No. 44, I. O. O. F. ;

And a bill to be entitled an act to establish the University of Texas, originating in the Senate ; and that the Senate had appointed Messrs. Throckmorton, McCulloch, Pirkey and Erath as a committee of conference on the part of the Senate to act with a like committee on the part of the House, on a bill to amend an act to incorporate the Memphis and El Paso Railroad Company ; also, that the Senate had passed a bill to incorporate the town of Gilmer, originating in the House.

Mr. Chilton, by leave, introduced a bill to appropriate money for the payment of the claim of Thomas Smith ; read first and second times, and referred to the committee on Finance.

On motion of Mr. Norton, the House proceeded to the unfinished business on the Speaker's table.

A bill to incorporate the Mexican Gulf, Texas Central and Missouri Railroad company, with a report from the committee on Internal Improvements, recommending two amendments, taken up, and amendments adopted.

Mr. Jennings proposed to amend as follows :

Provided said company shall not sell this charter ; and any such sale shall work a forfeiture of the same ; adopted.

Mr. Norton proposed to amend by striking out "control" in the caption and wherever it occurs in the bill ; adopted, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed by a two-thirds vote.

Mr. Chilton, by leave, reported recommending the passage of a bill to supply the Treasury with coin for immediate use ; report received, bill read first and second times, and

On motion of Mr. Wælder, postponed until 7 o'clock.

On motion, the House adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Waterhouse, one of committee on Enrolled Bills, reported as follows :

AUSTIN, 21st Janury, 1858.

Hon. M. F. LOCKE,

Speaker House of Representatives :

The Joint committe on Enrolled Bills, have examined the following and find them correctly enrolled, properly signed and have this day presented to the Governor for his approval :

An act to fix the times of holding the District Courts in the tenth judicial district.

An act to incorporate the grand and subordinate Lodges of the order of Free and Accepted Masons.

An act to amend the fourth Section of an act to provide for the investment of the Special School Fund.

Also, an act supplementary to an act to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kemble and Buchanan.

RICHARD WATERHOUSE,

One of the committee.

Report received.

Mr. Brown, Chairman of committee of Conference, on a bill to give to each corporate county in the State its own surveyor, maps and records, reported as follows :

COMMITTEE ROOM. }
January 21, 1858. }

*To the President of the Senate, and**Speaker of the House of Representatives:*

The committee of Conference, to whom was referred the points of disagreement between the two Houses, on a bill supplementary to an act to give to each corporate county in this State its own county Surveyor, Map and Records, recommend the following changes in the bill and amendments.

Let the caption read :

“A bill supplementary to and amendatory of an act to give to each corporate county of this State, its own county Surveyor, Map and Records, and defining the duties of Surveyors.”

Add to Section 6, as proposed by the House amendment, the following :

“ Provided, that where any such re-organized county may have been taken from two or more Land Districts, a special Surveyor shall be appointed as herein provided, by each District Surveyor for so much of such county as may have been taken from his District.”

The committee recommend the adoption of these amendments, and that the Senate then adopt all the House amendments.

G. B. ERATH,

Chairman on part of Senate.

JNO. HENRY BROWN,

Chairman of House Committee.

Report received.

Mr. Lee presented the petition of sundry citizens of Brown county ; referred to committee on Indian Affairs.

On motion of Mr. McKinney of Hopkins, the rule was suspended and a bill for the relief of John M. McLaughlin, taken up, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed.

Mr. Howerton, one of the committee on Private Land Claims, reported a bill for the relief of Terresa Highsmith, and recommended its passage ; report received and bill read first time.

On motion of Mr. Howerton, the rule was suspended, bill taken up, read second time and ordered to be engrossed ; rule further suspended, bill read third time and passed.

Mr. Lee presented the petition of sundry citizens of Lampasas county.

Mr. Edwards moved to refer the petition to a Joint Select Committee of 5—carried.

Mr. Lee moved to reconsider the vote referring the petition of the citizens of Brown county, to committee on Indian Affairs—carried, and petition referred to the Joint Select committee, above named.

Mr. Price offered the following resolution :

Resolved, That the Joint Select committee of five be and they are hereby earnestly requested to take under their consideration at the earliest moment possible, the petitions from the counties of Brown, Comanche and Lampasas, and report by bill or otherwise, the most efficient means of protecting these counties—adopted.

On motion of Mr. Buckley, the rule was suspended and a bill for the relief of B. F. Terry, taken up and ordered to be

engrossed ; rule further suspended, bill read third time and passed.

On motion of Mr. Fisher, the rule was suspended and a bill for the relief of J. H. Shepperd, taken up and ordered to be engrossed ; rule further suspended, bill read third time and passed.

On motion of Mr. Aycock, the rule was suspended and a bill to authorize the Clerk of the county court of Falls county to transcribe certain records, taken up.

Mr. Brown moved to take up the general bill authorizing transcribing county records—carried, and bill, with report from Judiciary committee recommending amendments, taken up, and amendments adopted ; bill ordered to be engrossed ; rule further suspended, bill read third time and passed.

On motion of Mr. Witt, the following Senate bills were taken up, read first and second times and referred as marked.

Senate resolution relative to adjourning *sine die* on the 8th February next, taken up.

Mr. Jennings moved to postponed the resolution for a week.

Mr. Burnett moved to lay the motion to postpone on the table ; the yeas and nays were called and stood thus :

YEAS—Messrs. Barnard, Bee, Buckley, Burks, Burnett, Craig, Crook, Dennis, French, Gaston, Hardin, Harris of Titus, Hicks, Howerton, Kirk, Kittrell, Lacy, Lewter, Lloyd, Munson, Murrah, Rogers, Scott, Shannon, Wælder, Ward, Waterhouse and Witt—28.

NAYS—Messrs. Speaker, Aycock, Bishop, Brown, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Dalrymple, Doom, Edwards, Evans of Austin, Evans of McLennan, Hall, Hardeman, Harris of Guadalupe, Harrison, Hart, Haynes of Washington, Henderson of Cass, Higgins, Jennings, Johnson, Joseph, Kinney, Latham, Lee, Lesueur, McKinney of Hopkins, McKinney of Travis, Merriman, Mills, Norton, Poag, Price, Rainey, Roberts, Ross, Shannon, Smith of Fannin, Tait, Upshaw, Walling and Wood—47.

And the resolution was postponed.

A bill making an appropriation for the payment of a portion of the public debt of the late Republic debt of Texas ; referred to committee on Public Debt.

A bill to legalize the acts of Wm. T. Harris, County Surveyor of Wood county ; referred to committee on Public Lands.

On motion of Mr. Chilton, a bill to incorporate the Adelpia Society of the Mound Prairie Institute, taken up and ordered to be engrossed ; rule further suspended, bill read third time and passed by a two-third vote.

On motion of Mr. Doom, the rule was suspended and a bill for the relief of William Palmer, taken up and ordered to be engrossed ; rule further suspended, read third time and passed.

On motion of Mr. Dalrymple, the rule was suspended and a bill for the relief of J. T. Gorman, with a substitute from committee on Private Land Claims, taken up and substitute adopted.

Mr. Hart offered the following amendment : " Provided, that he shall not be entitled to a pension in addition to the land."

On motion, laid on the table.

Mr. Walling moved to amend by adding " and George Martin who was wounded in the Cherokee Battle on the 16th of July, 1839.

Mr. Walling withdrew his amendment.

Mr. Munson proposed to amend by adding one league of land instead of 640 acres.

On motion of Mr. Howerton, laid on the table, and bill ordered to be engrossed ; rule further suspended, read third time and passed by the following vote :

YEAS—Messrs. Speaker, Aycock, Barnard, Bee, Bishop, Brown, Buckley, Carroll, Cleveland, Clow, Cooley, Craig, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of McLennan, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harrison, Haynes of Washington, Higgins, Joseph, Kinney, Kirk, Kittrell, Latham, McKinney of Travis, Merriman, Munson, Murrah, Norton, Powell, Rainey, Reeves, Rhodes, Roberts, Ross, Runnels, Scott, Shannon, Tait, Upshaw, Wælder, Walling, Waterhouse, Witt and Wood—53.

NAYS—Messrs. Burks, Collier, Hart, Henderson of Cass, Jennings, Johnson, Lloyd, McKenney of Hopkins, Mills, Poag, and Shelton—11.

A Senate bill to establish the University of Texas, taken up, read first and second times and referred to committee on Education.

On motion of Mr. Powell, the following communication from his Excellency, the Governor, was taken from the Speaker's table and read :

EXECUTIVE OFFICE, }
 JANUARY 20TH, 1858. }

Gentlemen of the Senate,

and House of Representatives :

The position of affairs growing out of the adoption and presentation of the Constitution of Kansas, preliminary to her admission into the Union, together with the alarming course of action indicated by some of those high in position in the National Councils, and who have hitherto possessed the almost unbounded confidence of the Southern people, are believed not only to require an early and prompt expression of opinion in their regard, but imperatively demand some suggestion of the course of policy which is to be pursued, in the happening of the contingencies which seem to be foreshadowed. That the domestic peace and security of the Southern States, as well as the integrity of the Union may be compromised by their solution, I apprehend there will be found but few willing to doubt.

In the year 1854, the Act organizing the Territorial Government of Kansas, passed the Congress of the United States. Of the principles embodied in the provisions of that Act, I deem it unnecessary to offer comment at this time, as they are believed to be made sufficiently clear by its terms, to the comprehension of every mind, gifted with the ordinary capacity of understanding. Even before the passage of the Act, and during its pendency, threats of civil war, rebellion and treason, were echoed and re-echoed from the Senate Chamber, and sent forth on the wings of the wind, to arouse and exasperate to still greater fury and madness, the phrenzied fanaticism of the misguided zealots of New England, whose credulity had already been imposed upon by the cunning and artifice of higher law demagogues. Although the unmitigated falsehood and prevarication of the opponents of the bill, were again and again denounced on the floors of Congress, it was found impossible to correct the wide-spreading disaffection which had been excited in the minds of a large portion of the Northern people. The excitement thus begotten, continued without any abatement, to pervade the Union as late as the Presidential election.

But in Kansas, down to the present time, there has been no quiet to agitation, nor either peace or security for that portion of her citizens who have yielded obedience to and sus-

tained the laws, while engaged in the ordinary avocations of life. The vilest effusions from the great hot-bed of Northern fanaticism have been exhumed and sown broad cast over the territory, carrying with them confusion and anarchy, and not unfrequently spreading wide waste and desolation over the land. The incendiary spirits who sent them for these very purposes, have since controled and counseled the revolutionary course events have taken. For notwithstanding there has been a regularly organized Government for four years in the territory—that Governors, Judges and other officers have been sent out by the Federal head, clothed with legal power, and the strong arm of the military to sustain them in the enforcement of all needful rules and regulations for the proper and impartial administration of justice, rebellion has stalked abroad throughout the land, and the guilty gone their way unwhipped of justice. It has been found impossible to awe or reconcile a very considerable portion of the population, and induce their acquiescence and submission to the legally constituted authorities, because of the constant treasonable incitements of those whose scheme it has been to break down and annihilate the institution of slavery at every hazard. All law has been disregarded and set at defiance, from the commencement of the controversy—which may be dated from the first settlement after the passage of the bill—by the anti-slavery revolutionists who have swarmed into the territory. This has been done in every conceivable manner. They have refused to register their names, preparatory to entitling themselves to the rights of citizenship as provided by law. They have refused the payment of their proportionable part of the revenue, assessed for the general welfare of the Territory. Its collectors have been resisted, to the shedding of blood, in the discharge of their official duties. They have attempted the mockery of an Independent Government, to supercede that established by Congress, and endeavored to sustain it by force of arms, and thus openly assumed a revolutionary attitude.

Aside from the notoriety which the history of the times has given of such transactions, no better evidence need be desired of the incendiary and rebellious spirit which has prevailed, than is to be found in the adoption and presentation of the Topeka Constitution, which is known to have been the work of the lawless and discontented.

It is urged, however, as a reason for the non-admission of Kansas under the Constitution framed by her Convention,

that it has not been submitted to the people for ratification. If the objection was even well founded, then it might be asked, what people? Surely not to those who are found in open rebellion to the laws. For the grave question would then arise as to how far a population admitted by all to be in a state of open outlawry, who have refused to take the first steps to entitle themselves to the rights of citizenship, should be permitted to exercise its privileges in the political sense.—Certainly, it is unreasonable to expect that under the circumstances, such men would be invested with the power of making and unmaking the law, or subverting all Government according to their own revolutionary caprices.

The facts, however, go very far to prove the presumption unfounded, that the Lecompton constitution is not the will of the actual *bona fide* citizens. For it seems that the question of a convention was submitted to the people by legislative enactment—endorsed by them at the ballot box; and that a succeeding Legislature only carried out their expressed will, in directing the election of delegates to frame that instrument. The act conferred full and definite powers on the convention for that object. They were not special or limited in their nature. The whole subject was placed under the control and at the discretion of the convention; and, consequently, invested that body with all of the attributes of sovereignty, more fully than if the submission of the entire or any portion of the instrument had been provided for by the act authorizing it. The terms of the act evince, most clearly, that the action of the convention was intended to be final in its nature and determinate of the question without appeal. From the well-known disturbed state of public sentiment, the dictates of prudence alone should have suggested the adoption of that course. Preparatory to the election, the act provided for taking the census, the equal apportionment of the members of the convention, and defining every necessary step to secure and protect the legal voter in the exercise of his right of suffrage.

Chosen under and by virtue of the act of the only political authority of the Territory, the convention framed and adopted the constitution, and it is not for Congress to apply any other test in the admission of the State, than that prescribed by the Federal constitution—that its constitution be Republican. The Kansas-Nebraska Bill conferred on the people of the Territory, in this particular only, a right which already belonged

to them, of framing their institutions in their own way, subject only to the Constitution of the United States. This they have done: they have made them in their own way, and there can be no authority for questioning their right so to do. Any intermeddling of Congress, outside of the one single test laid down by the Federal constitution, is a direct attack upon the recognised principle of non-intervention, which should be viewed with apprehension and alarm, and must be attended with the most dangerous consequences.

If the State is refused admission under her present application, there can and will really exist no other reason for that refusal, than because the institution of slavery is tolerated therein. The North and the South have plighted their faith, on the doctrine of non-intervention. If the North breaks that faith, let it not be supposed that the South will acquiesce in or abide it. In 1820 the constitution was disregarded, and the treaty with France acquiring Louisiana violated, by the odious restriction which the Missouri compromise imposed upon this same slavery question. The North and South shook hands upon that proposition, and agreed to uphold it as a final settlement of all further difficulty. While the South was willing to abide by it, the North, on all occasions, refused to respect the obligation. After the compromise of 1850 was adopted, as an adjustment, there was an attempt to evade it, as evidenced by the action upon the Kansas-Nebraska Bill in 1854; and now again on the question of admission of Kansas into the Union, because her constitution does not trample on the right of property in slaves.

Confidence ceases to exist when all moral obligations are disregarded. The North will have no claim to the confidence of the South, if she again refuse compliance, since she has so often heretofore failed to respect her obligation. The history of the action of our northern brethren presents bad faith in unbroken continuation. The time for compromise has now passed away, and better for the Republic had it never been. The past and present prove that we are not even to expect the observance of a truce under them. Under every concession the South has made, her enemies have gained new accessions to their strength. Kansas is the last out-post, and is there any one willing to believe, if now tamely surrendered, the next attack will not be upon the institutions of the States, without organization and concerted movements on their part for defence. What is to be expected of the Representatives of States, such

as Vermont and Massachusetts, on a question involving the domestic institutions of the South. States which, while they are receiving all the advantages and participating in all the blessings of the Union, stand out right in open nullification of the Constitution and laws. These States have a voice in deciding every question, equal to the most loyal of the Union. Their Representatives occupy positions in the Senate's forum. Unlike the Roman conspirator, they meet not the withering condemnation of their associates, but are received in full fellowship; and with an insolence and contumacy equal to his, they continue to sit as law-givers and judges by authority of the instrument they have sworn in their hearts to pervert and violate. Well may it be believed that evil times have come upon the Republic, and that her days are numbered, when such men possess sufficient strength to render doubtful the result of questions involving the peace and perhaps the existence of the Government.

Justice and fair dealing are not to be expected of those whose consciences no compact can bind with cords strong enough not to be broken. It is to their behests that crouching sycophancy and unprincipled demagogueism bend the suppliant will, and before the sirocco blasts of whose opinions the timid are faltering, and the weak giving way throughout the free States. Congress under the predominating influence of these opinions has aided and abetted, and is therefore, chargeable with keeping up the deplorable state of affairs which has existed in Kansas. The House of Representatives adopted a proviso to one of her appropriations bills, "that no part of the money here appropriated shall be expended for prosecuting or detaining any person or persons, charged with treason, or any other political offence in the territory of Kansas," and in the same bill, directed the release of all such persons from confinement. These amendments were proposed, voted for and carried by the united freesoil strength, yet, the accusation has been unblushingly made and repeated, that Southern men were the authors of the many outrages committed. If this had been so, why not have let them meet the punishment due their high crime. No southern member voted for these amendments. A southern man has no thanks to return for such forbearance and mercy; he wants the law and the Constitution, and demands only to be let alone in the enjoyment of his rights under them.

In a hopeless minority, the South has left but the Constitu-

tion for her protection, and she should resist every infraction of its guaranties to the disruption of every tie which binds her to the Union. Georgia declared in 1850, through her Convention, amongst many other causes then enumerated, that she would resist to the disruption of every tie the refusal to admit as a State any territory hereafter applying, because of the existence of slavery. That declaration has met with universal acquiescence in the South. Texas should not, she will not occupy a position strange to that of her Southern Sisters, on a question that under-lies the whole basis of her present and future development, and upon which, in an eminent degree, the structure of society rests. There should be left no doubt resting on the public mind, either at home or abroad, in the event of so threatening an emergency. It therefore becomes your duty, as the Representatives of her people, to indicate that position.

It is my own deliberate judgment that if Congress refuses to admit Kansas as a State, with the Constitution she now presents, for any other cause than that said Constitution is not republican in its character, the time will have come when the Southern States should look to themselves for the means of maintaining their future security. I therefore recommend the adoption of resolutions to that effect, and that power and authority be given to this department to co-operate fully in whatever movement may be determined upon by the other Southern States, and that copies of those resolutions be forwarded to our delegation at Washington.

H. R. RUNNELS.

On motion of Mr. Mills, the report from committee on Federal Relations on Kansas Affairs, with accompanying resolutions, were taken up.

Mr. Everett moved to postpone the message, report and resolutions until Thursday next.

Mr. Everett, by leave, withdrew his motion to postpone.

Mr. Poag moved to refer the message of the Governor to the committee on Federal Relations.

Mr. Rainey moved to refer the resolutions and message to the committee on Federal Relations.

On motion of Poag, the House adjourned until 9 $\frac{3}{4}$ o'clock, A. M., to-morrow—pending, Mr. Rainey's motion to refer the message, resolutions and report to committee on Federal Relations.

AUSTIN, Friday, January 22, 1858.

House met pursuant to adjournment—roll called, quorum present—Journal of yesterday read and adopted.

Mr. Doom asked and obtained leave to withdraw the papers and petition of Samuel C. King.

Mr. Burnett, by leave, withdrew the petition of Thomas George.

On motion of Mr. Upshaw, Mr. McKinney of Travis was added to the committee on Claims and Accounts.

PETITIONS.

Mr. Gaston presented the petition of Daniel M. Crist; referred to the committee on Private Land Claims.

Mr. Mills presented the petition of D. P. Long, *et al.*; referred to the committee on Private Land Claims.

Mr. McKinney of Travis presented the petition of Duff Green; referred to the committee on Internal Improvements.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, one of the Judiciary committee, reported recommending the passage of a bill to amend an act incorporating the Southern Pacific Railroad Company; report received.

Mr. Aycock, Chairman of the committee on Public Lands, reported recommending the passage of a Senate bill to authorize the sale of the public domain, with the following amendments:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred the Senate's bill—"To be entitled an act to authorize the sale of the public domain," have considered the same, and beg leave to report: that they have bestowed as much labor, as the time and other engagements would permit, upon the subject, and find themselves unable to see any good reason to modify, materially, the opinions heretofore expressed by them, in reporting bills relating to the same subject, originating in the House. They have, therefore, thought proper to recommend such amendments to the Senate's bill, as will make it conform to their views as heretofore expressed. The sale of the public domain seems to be the ostensible object of the Senate's bill. Yet the prices are filed so high, that little can be sold if that should become a law. Your committee think it needs no

argument to show, that, to put our lands at one dollar per acre, our reserved lands and alternate sections at one dollar and twenty-five cents, and two dollars, would virtually be to refuse to dispose of them at all : for the reason that the price of land certificates, heretofore, has never reached half the lowest price mentioned. Is it our policy to dispose of the public domain ? Or is it our purpose to hold it in *mortmain* ? to keep it back from settlement entirely ? to possess it “as so many acres of blue sky, or open ocean,” inactive, unproductive, in the original solitude of nature ? Or for the sake of giving a monopoly of the land market to the railroad companies, to enable them to prosecute those enterprises successfully and rapidly, are we determined, by putting our lands at so high a price, to forget the very object of the bill under consideration ? While your committee are anxious to see those enterprises prosecuted rapidly, they cannot forget the importance of other considerations of the highest interest. That the people and the State may derive some benefit from the public domain, before it is all taken from them by special legislation—by the fabrication of fraudulent certificates—by the innumerable devices of a “locust host” of “lobby swindlers,” and dealers in spurious claims ; that our beautiful realm may be populated everywhere, with a race of intelligent, virtuous and enterprising people ; that strong arms and stout hearts may be employed in our wilderness, to lay the foundations of future societies and pioneer wealth, and civilization ; that all the elements of public wealth and individual prosperity may accumulate here ; that the expense entailed upon the country in many ways, by the possession and care of this extensive domain, may be gotten rid of as soon as practicable ; and that prolific cause of legislation and official corruption, demoralizing in its effects, may be eradicated :—these, and other considerations, have influenced your committee in arriving to their conclusion—that we should dispose of the public lands as soon as possible ; and, therefore, at such a price as the State can afford, which will, most probably, ensure their disposition.

The reserve lands and the alternate sections being surveyed, and possessing, in many instances, a value imparted by settlements adjacent to them, should, as a matter of course, be sold at a higher rate than the wild lands.

Our views may differ but little in regard to the pre-emption privileges extended, from those of the Senate. We have,

heretofore, recommended the policy of encouraging the slaveholder to settle upon our public lands ; and with a slight amendment, requiring the owner of the slaves to have them on the land, we concur with the Senate. The proposition may seem novel ; but certainly, if the provision alluded to shall encourage the immigration of slave-holders, where is the man, with a true desire to fortify the institutions of the South, against the vandal warfare of Free-Soil-ism and fanaticism, who cannot support it ?

With the amendments herewith submitted, the committee recommend the passage of the bill.

THOS. P. AYCOCK,
Chairman.

AMENDMENTS.

Seventh line, first section, strike out "one dollar," and insert "50 cts."

Seventh and eighth lines, second section, strike out "\$1.25 cts.," and insert "one dollar ;" and in twelfth line strike out "\$2.00," and insert "\$1.25" in lieu thereof.

Sixteenth line, fifth section, strike out "\$1.00," and insert "50 cts."

Eleventh and twelfth lines, eighth section, strike out from the word "improvement" to the word "state," and insert. "w ere such person may own one slave and one hundred and sixty acres in addition for every three slaves such person may own, provided that such person shall have such slaves on the land upon which he lives." Report received.

Mr. Howerton, one of the committee on Private Land Claims, reported recommending the passage of a Senate bill for the relief of Elbridge G. Rector. Report received.

Also reported asking that no further action be had on the petition of Thomas J. Smith and others, and the petition of the heirs of Robert Love. Report received.

Mr. Burnett, one of the committee on Private Land Claims, reported unfavorably upon the petition of Thomas Y. Bailey. Report received.

Mr. Johnson, one of the committee on Engrossed Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined and report correctly engrossed the following bills :

"A bill to be entitled an act to amend the second section of an act entitled an act to incorporate the Eastern Texas and Red River Insurance Company."

"A bill to be entitled an act defining the seventh Judicial District, and the time of holding courts in the same."

"A bill to be entitled an act for the relief of Isaac N. Hitchcock."

"A bill to be entitled an act to incorporate Union Hill High School."

"A joint resolution instructing the Senators and requesting the Representatives of Texas in Congress to procure such action on the part of the United States as will cause the Indians in Texas west of the Pecos river to be collected upon the reserve provided for them."

"A bill to be entitled an act to define lines between the counties of Hill, Navarro and Limestone."

"A bill to be entitled an act defining the time of holding the District Courts in the fourth Judicial District." And also

"A bill to be entitled an act for the relief of William Palmer or his assigns."

THOS. J. JOHNSON,
One of the committee.

Report accepted.

Mr. Clow, one of the same committee, reported correctly engrossed a bill for the relief of Teresa Highsmith. Report accepted.

REPORTS OF SELECT COMMITTEES.

Mr. Buckley, Chairman of the committee on Judicial Districts, reported recommending the passage of a bill supplemental to an act to create the nineteenth Judicial District; to regulate the times of holding courts therein, and providing for the election of Judge and District Attorney in said District, and for the trial of certain causes therein, approved Dec. 19th, A. D. 1857. Report received.

On motion of Mr. Buckley, the rule was suspended, and the bill taken up, read first and second times and ordered to be engrossed; rule further suspended, bill read third time and passed.

Mr. Rainey moved to suspend the rule, and take up a bill for the relief of the Tennessee Masonic Institute; lost.

BILLS AND RESOLUTIONS.

Mr. Hicks introduced a bill to define in part the duties of

Judges of District Courts; read first and second times, and referred to the Judiciary committee.

Mr. Bee offered the following resolution :

Resolved, That the committee on Contingent Expenses be requested to furnish the House with the amount of expense which the lighting of the Hall has cost the State during this session, and also to report whether the use of gas cannot be procured at future sessions at a less expense, after the necessary apparatus is obtained, and if so, to report a bill for that purpose; adopted.

Mr. Henderson of Harris introduced a bill for the relief of the heirs of John Gay; read first and second times, and referred to the committee on Private Land Claims.

Mr. Witt offered the following resolution :

Resolved, That the evening sessions of the House shall be devoted exclusively to the consideration of private or individual relief bills, and that bills of a private or individual nature shall not be considered at any other time from this to the end of the session; and that the roll of members be called, alternately, from the top and bottom, and each member, when his name is called, shall have the right to call up a bill, and the same shall be finally acted upon as the House may direct.

Laid on the table one day for consideration.

Mr. Crook introduced a bill to amend an act to regulate Estrays, approved Feb. 8, 1850; read first and second times, and referred to the committee on Stock and Stock Raising.

On motion of Mr. Barnard, the rule was suspended, and a bill to amend the charter of the San Antonio River Navigation Company, taken up; read second time and ordered to be engrossed; rule further suspended, bill read third time and passed by a two-thirds vote.

A message was received from the Senate, announcing the passage of a House bill supplemental to an act making provisions for running and marking the boundary line between Texas and the Territories of the United States.

And a bill, originating in the Senate, to authorize the sale and settlement of the alternate sections of land reserved to the State in Fisher and Miller's Colony, and to repeal the tenth section of an act to secure to the German Emigration Company and their colonists the land to which they are entitled, and to adjust the liabilities of said Company, approved Jan. 21, 1850.

On motion of Mr. Dennis, the rule was suspended, and a Senate bill to amend the Houston Tap and Brazoria Railroad Company bill, passed Sept. 1st, 1856 ; bill read second time.

Mr. Henderson of Harris, proposed to amend by striking out the 2d Section of the bill.

Mr. Henderson of Harris, withdrew his amendment and the bill passed to a third reading—rule further suspended, bill read third time and passed by a two-third vote.

On motion of Mr. Carroll, the rule was suspended and a bill for the relief of Florinda Dixon, taken up, read second time and ordered to be engrossed, rule further suspended read third time and passed.

On motion of Mr. Johnson, the rule was suspended and a bill for the relief of Marshall and Oldham, J. A. Quintero, J. P. Henry and Swenson and Swisher, taken up.

Mr. Wælder proposed to amend as follows :

Strike out the annexed accounts and insert, “for the payment of the following accounts, to-wit ; the account of Marshall and Oldham, \$92 50 ; the account of J. A. Quintero, assigned to Swenson and Swisher, \$150 ; the account of J. P. Henry, \$50 ; the account J. A. Quintero, \$50 ; adopted, and bill ordered to be engrossed—rule further suspended, bill read third time and passed.

Mr. Wood in the Chair.

On motion of Mr. Brown, the rule was suspended and a bill for the relief of certain purchasers of Austin City and out lots with a report from the committee on State Affairs, recommending a substitute, taken up and substitute adopted.

Mr. Jennings proposed the following amendments :

Insert after the word “shall,” “with the written consent of the securities in the notes given for said lots”—adopted.

Mr. Jennings moved to strike out the words “that this act shall not operate as a release of the securities”—carried.

On motion of Mr. Murrah, the vote adopting the first amendment offered by Mr. Jennings was reconsidered, and Mr. Howerton offered the following as a substitute for the same, which was adopted :

Provided, the said purchasers shall not be entitled to the benefit of this act unless they renew their notes with good personal security as heretofore provided by the law authorizing the sale of said lots.

Bill ordered to be engrossed—rule further suspended, bill read third time and passed.

On motion of Mr. Howerton, the rule was suspended and a bill legalizing field notes of pre-emption survey, &c., taken up.

Mr. Bishop offered a substitute for the bill—withdrawn.

Mr. Murrah moved to suspend the rule and take up bill No. 90, on the same subject, in order to substitute it for the bill under consideration—carried, and bill taken up and adopted as substitute for first named bill.

Mr. Henderson of Harris, moved to strike out “and their assignee” wherever it occurred in the bill.

Mr. Price moved to amend by adding, “except where the law under which the settlement was made authorized a transfer.” Mr. Henderson of Harris, withdrew his amendment.

Mr. Murrah offered the following as a substitute for Mr. Price’s amendment: Amend by inserting after the word assignee where it first occurs, the words “who have succeeded the original settlers in continued occupancy under any of said acts”—adopted.

Mr. Witt offered the following proviso: “Provided, that the benefits of this act shall extend to all pre-emptors who have settled by mistake on previously surveyed land, provided they have complied in all other respects with the law under which they claim as pre-emptors.”

On motion of Mr. Howerton, laid on the table.

Mr. Wælder moved to amend as follows: “In 2d Section after “families” insert, or other lawful heirs not beyond the third degree.”—laid on the table on motion of Mr. Edwards.

Mr. Howerton moved to strike out “families” wherever it occurs and insert “children”—adopted.

On motion of Mr. Howerton, the previous question was ordered which being the engrossment of the bill, was put and bill ordered to be engrossed; rule further suspended, read third time and passed.

Mr. Chilton offered the following resolution:

Resolved, The Senate concurring, that the message of the Governor upon Kansas Affairs, be referred to a Joint Select Committee of five, from the House and three from the Senate with a request that they report at their earliest convenience.

Mr. Chilton moved the previous question—the Speaker decided the motion out of order, from the fact that Mr. Poag had the floor—from which decision Mr. Chilton appealed, the appeal being submitted to a vote of the House, the Chair was sustained.

On motion, the House adjourned until 7 o’clock, P. M.—

Pending the adoption of Mr. Chilton's resolution. Mr. Poag on the floor.

7. O'Clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

A message was received from the Senate announcing the passage of the following Senate bills :

A bill to remove the disabilities of minority from John R. Stewart and John T. Pierce.

A bill to prohibit the issuance or delivery of Land certificates and the survey or patenting of land to the Galveston, Houston and Henderson Railroad Company, until said Company shall have complied with the requirements therein named.

A bill to relinquish the right of the State to certain lands therein named.

A bill authorizing the funds set aside for the San Bernard river to be used in the construction of a canal or Railroad.

A bill for the relief of Hanna Alexander.

A bill for the relief of Jno. Johnson, and the following House bills with amendments :

A bill for the purchase of the Alamo Monument, and

A bill for to incorporate the Melville Male and Female Academy in Rusk county, and a substitute by way of Amendment to a Joint Resolution of the House to procure the erection of Post Offices and Court Houses, for the use of the U. S. District Court ; and that the Senate had passed the following resolution :

Resolved, That the message of the Governor on Kansas Affairs be referred to a Joint Select Committee of the two Houses, and that the President appoint five on the part of the Senate to act with such members of the House of Representatives as may be appointed by that body,

And had appointed Messrs. Wigfall, Potter, Graham, Stockdale and Maverick, the committee, and requested the appointment of a like committee on the part of the House.

Also, that the Senate had appointed Messrs. Erath, Graham and McCulloch, a special committee to act in conjunction with Messrs. Edwards, Evans of McLennan, and Shannon, the special committee on the part of the House, to which had been referred the petition of the citizens on the frontier, relative to Indian depredations.

Mr. Johnson, one of committee on Engrossed Bills, made the following report :

To THE Hon. M. F. LOCKE,

Speaker House of Representatives :

The committee on Engrossed Bills, report correctly engrossed the following bills, to-wit :

A bill for the relief of Benj. F. Terry.

A Joint Resolution proposing an amendment to the State Constitution.

A bill to be entitled an act defining the time of holding courts in the 18th Judicial District.

THO. J. JOHNSON,
One of the Committee,

Report received.

Mr. Ross presented the petition of Geo. L. Hyde ; referred to the committee on Private Land Claims.

Mr. Lewter, Chairman of the committee on Roads, Bridges and Ferries, reported recommending the passage of a Senate's bill to incorporate the McKinney, Bridge and Ferry Company ; report received.

On motion of Mr. Shannon, Messrs. Price and Brown were added to the Joint Select committee on Indian Affairs.

On motion of Mr. Kittrell, the Senate's resolution relative to the Governor's message on Kansas affairs, was taken up, and substituted for that of Mr. Chilton's on same question.

On motion of Mr. Rainey, a committee of ten were appointed on the part of the House to act in conjunction with the committee on the part of the Senate, on said resolution.

The resolutions and report of the committee on Federal Relations, relative to Kansas affairs, pending on adjournment on last night were taken up.

Mr. Hall moved to refer the resolutions and report to the Joint Select committee on the Governor's message on same subject.

On motion of Mr. Chilton, the resolutions and report were postponed and made the special order for Wednesday next, the 27th inst.

On motion of Mr. Shannon, a bill to provide for the assessment and collection of taxes, was taken up.

On motion of Mr. Wood, the House went into a committee of the whole, on the bill. Mr. Bee in the Chair.

The committee rose, reported progress, and asked leave to set again ; report received.

On motion of Mr. Jennings, the House adjourned until 9½ o'clock to-morrow, A. M.

AUSTIN, January 23, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

The Speaker announced Messrs. Edwards, Evans of McLennan and Shannon a Joint Select Committee on Indian depredations. And

Messrs. Murrah, Bee, Jennings, Mills, Chilton, Munson, Rainey, Kittrell, Poag and Powell a Joint Select Committee on the Governor's Kansas message.

PETITIONS :

Mr. Evans of McLennan presented the petition of H. C. Lozenby ; referred to committee on Claims and Accounts.

Also, the petition of J. B. Barry ; referred to committee on Indian Affairs.

Mr. Evans of Austin, presented the petition of sundry citizens of Austin county ; referred to committee on Counties and County Boundaries.

Mr. Buckley presented the remonstrance of sundry citizens of Austin county ; referred to committee on Counties and County Boundaries.

Mr. Kittrell, Chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred a Senate bill to establish the University of Texas, have read the report and bill carefully, as presented to us by the Senate, and have instructed me to say that said report sets forth in a clear, succinct and forcible manner the necessity for and the propriety of establishing one *State University*, commensurate with the dignity and wants of the State of Texas ; and that the bill provides amply the ways and means to carry out this great enterprise. The committee have, therefore, instructed me to say that they adopt the Senate's report and bill as their own, and have directed me to report the same back to the House and recommend the adoption of the report and the passage of the bill. Your committee cannot let this opportunity pass

without most respectfully soliciting all to meet on the broad and liberal platform contained in the Senate's bill, and unite in inaugurating this great enterprise, and thereby transmit to our posterity a legacy more valuable than gold and more enduring than brass. Your committee believe that the public sentiment and the public interest alike demand this at our hands, that we should take the *initiative* in this measure while the State has means adequate to the undertaking, without imposing any burden on the people. And we do most cordially invite all to meet this question fairly and without prejudice, and let us be prepared to sacrifice all local and sectional differences on the common altar of our country's good so that when the history of our legislation shall be written, the brightest and purest page of that record shall be that which chronicles the establishment of the TEXAS UNIVERSITY. Report received.

On motion of Mr. McKinney of Travis, the rule was suspended and report and bill taken up, and

On motion of Mr. Brown made the special order for Wednesday next.

Mr. Aycock, Chairman of the Committee on Public Lands, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The committee on Public Lands, to whom was referred the Senate's bill to be entitled an act to legalize the acts of Wm. F. Harris, County Surveyor of Wood county, have considered the same, and instruct me to report :

That many surveys have been made upon genuine certificates, warrants and pre-emption claims by the said Harris.— He had no Deputy. The Commissioner refused to patent the surveys only for the reason that they were not made by a Deputy ; and the Board of Land Commissioners have not determined under Article 1888 of Hartley's Digest that he did not require any Deputy to do the surveying in his county.

As the State can suffer no injury by validating those surveys and many persons may be thereby relieved, the committee recommend the passage of the bill.

TH. P. AYCOCK, Chairman.

Report received.

On motion of Mr. Harrison, the rule was suspended, bill

taken up and passed to a third reading ; rule further suspended, read third time and passed.

Mr. Johnson, one of the committee on Engrossed Bills, reported as follows ;

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Engrossed Bills respectfully report the following bills correctly engrossed, viz :

A bill to be entitled an act for the relief of Jacob H. Sheppard ;

A bill to be entitled an act to incorporate the Mexican Gulf, Texas and Missouri Railroad Company ;

A bill to be entitled an act to incorporate the Adelphi Society of the Mound Prairie Institute, located at Mound Prairie, eight and a half miles north-east of Palestine, in Anderson county ;

A bill to be entitled an act to prescribe the times of holding the District Courts of the fifth Judicial District ;

A bill to be entitled an act to amend an act to create the fifteenth Judicial District, provide for the election of a Judge and a District Attorney thereof, and define the time of holding courts therein, approved 21st January, 1856 ;

A bill to be entitled an act for the relief of certain purchasers of Austin City and out-lots ;

A bill to be entitled an act for the relief of Terissa Highsmith ;

A bill for the relief of James T. Gorman ;

A bill to be entitled an act for the regulation of patrols, and prescribing their duties ;

A bill to be entitled an act for the relief of Jesse Walling ;

A bill to be entitled an act to provide for transcribing county records ;

A bill to be entitled an act to amend the charter of the San Antonio river navigation company, passed August 29th, 1856 ;

A bill to be entitled an act for the relief of Florinda Dixon ;

A bill to be entitled an act making appropriation of money for the payment of certain claims therein mentioned ; and

A bill to be entitled an act supplemental to an act to create the nineteenth Judicial District of the State of Texas, to regulate the holding of terms of the District Court in said District, and providing for the election of a District Judge

and District Attorney in said District, and for trial of certain causes in said District, approved, December 19th, 1857.

THOMAS J. JOHNSON,
One of the Committee.

Report received.

Mr. Waterhouse, one of the committee on Engrossed Bills, reported as follows:

Hon. M. F. LOCKE,

Speaker House of Representatives :

The Joint Committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval ;

An act supplementary to an act to change the times of holding the terms of the District Courts in the eleventh Judicial District ;

An act to incorporate the town of Gilmer ;

An act supplementary to and amendatory of an act to give to each corporate county of this State its own county Surveyor, Maps and Records, and defining the duties of Surveyors ;

An act for the relief of the Washington county Railroad Company ;

An act for the relief of John M. McLaughlin ;

An act to authorize the County Clerk of Nacogdoches county to transcribe certain records therein named.

RICHARD WATERHOUSE,
One of the Committee.

Report received.

On motion of Mr. Howerton the rule was suspended and a bill for the relief of Wm. M. Spaulding was taken up.

Mr. Locke offered a substitute for the bill—adopted—and bill ordered to be engrossed by a vote of 41 yeas to 31 nays.

Mr. Howerton moved to further suspend the rule and pass the bill to a third reading—lost.

A message was received from the Senate informing the House, that the Senate had passed the following bills originating in the Senate viz :

A bill to amend the 1st section of an act entitled an act, to relinquish to the inhabitants of Ysleta in El Paso county a certain tract of land adjoining the town tract &c., approved January 21st 1854.

A bill for the relief of D. M. Symond's heirs.

A bill to be entitled an act further regulating proceedings in the District Courts.

A Joint Resolution for the relief of the heirs of D. Rowlett, deceased.

A bill to amend the 1st section of an act entitled an act to change the time of holding the county courts of Upshur county, approved November the 13th 1857.

And that the Senate had passed the following bill originating in the House, with an amendment, viz :

A bill to be entitled an act to incorporate the town of Clinton in DeWitt county.

On motion of Mr. Witt, the following House bills, with amendments from the Senate were taken up, viz :

A bill to incorporate the Millville Male and Female Academy—amendment concurred in.

A bill to provide for the purchase of the Alamo Monument—the House refused to concur in the amendment of the Senate.

A bill to incorporate the Dallas Lodge No. 44, I. O. O. F.—amendment concurred in.

A bill to be entitled an act to readjust the boundaries between San Patricio and Nueces counties, taken up, with the veto of the Governor—question on passage of bill, notwithstanding the objections of the Governor; the same was put and the bill passed by a two-thirds vote.

Mr. Johnson, one of committee on Engrossed Bills, reported as follows :

Hon F. M. LOCKE,

Speaker of the House of Representatives:

The committee on Engrossed Bills, report correctly Engrossed

A bill to be entitled an act supplemental to and amendatory of an act, approved January 28, 1856, to authorize and require the county court of Brazoria county to establish, discontinue and regulate public and private roads in said county, and cause public roads and bridges to be constructed and kept in good repair.

A bill to be entitled an act for the relief of the heirs of Abner C. Davis.

A bill to be entitled an act for the relief of pre-emption settlers under the acts of January 22, 1845, February 7th, 1853, and February 13, 1854.

Mr. Rainey introduced a bill to incorporate the city of Palestine ; read first and second times and referred to committee on State Affairs.

On motion of Mr. Buckley, the rules were suspended and a bill supplementary to an act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853, approved December 19th, 1857, was taken up, and

On motion of Mr. Jennings, 100 copies of the same were ordered to be printed for the use of the members of the House, and the bill laid on the table *for the present*.

Mr. Dennis, one of the committee on the Judiciary, reported recommending the passage of a bill to provide for the incorporation of towns and villages.

On motion of Mr. Dennis, the rule was suspended, the bill taken up and passed to a third reading ; rule further suspended, read third time and passed by a two-third vote.

Mr. Lee presented the petition of Louis Powell for land ; read and referred to the committee on Private Land Claims.

On motion of Mr. Chilton, the rule was suspended and a bill for the relief of Eli Kirk, was taken up.

On motion, the House adjourned until 3 o'clock, P. M.—Pending the reading of a bill for relief of Eli Kirk.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Brown, the rule was suspended, and a bill to amend the 1st Section of an act to change the time of holding the County Courts of Upshur county, approved November 13, 1857, taken up, read first and second times and passed to a third reading ; rule further suspended, bill read third time and passed.

Bill pending when the House adjourned, viz : A bill for the relief of Eli Kirk, taken up, with a report from a select committee recommending the passage of the same.

Mr. Rainey moved to indefinitely postpone the whole matter. On motion of Mr. Wood, the main question was ordered.

Whereupon, the yeas and nays were called, and the House refused to postpone by a vote of 35 yeas to 37 nays.

Mr. Henderson of Harris, moved the engrossment of the bill.

On motion of Mr. Bee, the main question was ordered. The

yeas and nays were demanded and the House refused to engross the bill by the following vote :

YEAS—Messrs. Aycock, Bee, Brown, Buckley, Chilton, Cleveland, Collier, Cooley, Dennis, Edwards, Evans of Austin, Everett, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Henderson of Harris, Howerton, Kirk, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Munson, Murrah, Navarro, Powell, Price, Rhodes, Scott, Tait, Upshaw, Wælder and Walling—36.

NAYS—Messrs. Speaker, Barnard, Bishop, Burks, Burnett, Carroll, Clow, Craig, Crook, Doom, Evans of McLennan, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Hicks, Jennings, Johnson, Joseph, Lacey, Lesueur, Lewter, Lloyd, McKinney of Hopkins, Mills, Norton, Poag, Rainey, Roberts, Rogers, Ross, Shannon, Shelton, Ward, Waterhouse and Wood—37.

On motion the House adjourned until 9½ o'clock, Monday, A. M.

AUSTIN, Monday, January 25th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Wælder presented the petition of the citizens of Bexar and Medina counties ; referred to committee on Counties and County Boundaries.

Mr. Evans of McLennan, by leave, withdrew the petition of I. Berry.

REPORTS OF STANDING COMMITTEES.

Mr. Rainey, Chairman of Committee on Internal Improvements, reported as follows :

The committee on Internal Improvements have considered the bill entitled an act supplemental to the charter of Aransas Road Company, and instruct me to report the accompanying substitute, and recommend its passage. Report received.

Mr. Johnson, Chairman of Committee on Engrossed Bills, reported correctly engrossed a Joint Resolution, authorizing William M. Spalding to bring suit in the District Court of Liberty county against the State of Texas. Report accepted.

BILLS AND RESOLUTIONS.

Mr. Price introduced a bill supplemental to an act to consolidate the Texas Monumental Committee, and the Texas Military Institute with Rutgersville College, approved Aug. 6, 1856; read first and second times, and referred to committee on Education.

Mr. Reeves offered the following resolution:

Resolved, That the Special committee, to whom was referred a bill to create the 20th Judicial District, be respectfully requested to report said bill back to the House immediately. Adopted.

Mr. Roberts offered the following resolution:

Resolved, That the House will hereafter proceed with business as follows, to-wit: That Mondays, Tuesdays, Wednesdays, and Thursdays, shall be devoted to the consideration of bills of a general nature. And that Fridays and Saturdays shall be devoted to the consideration of bills of a local, private or individual character. That on Fridays and Saturdays the bills shall be taken up in the order in which they have been presented, and are filed and numbered on the Speaker's table, and that bills, which have been adversely reported upon by committees, shall be passed by, and only bills which are favorably reported upon, considered. And that no member shall be permitted to speak upon any question, or on any day, more than five minutes at one time, without leave of a majority of the members present; and that this rule shall not be departed from except by a vote of three-fourths of the members present.

On motion of Mr. Wælder, the rule was suspended, and the resolution taken up.

On motion of Mr. Howerton, the main question was ordered on the adoption of the resolution.

The yeas and nays were called for, and the resolution passed by the following vote:

YEAS—Messrs. Speaker, Aycock, Brown, Buckley, Burks, Burnett, Carroll, Chance, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dennis, Doom, Evans of McLennan, French, Gaston, Hall, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Henderson of Cass, Higgins, Howerton, Kirk, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKinney of Travis, Merriman, Mills, Munson, Poag, Powell, Price, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shannon, Shelton,

Smith of Fannin, Upshaw, Wælder, Walling, Ward, Waterhouse, Witt and Wood—57.

NAYS—Messrs. Bishop, Evans of Austin, Everett, Henderson of Harris, Hicks, Jennings, Joseph, Latham, McKenney of Hopkins, Murrah, Navarro, Norton and Reeves—13.

Mr. Poag moved to reconsider the vote just taken.

On motion of Mr. Walling, the motion to reconsider was laid on the table by the following vote :

YEAS—Messrs. Speaker, Bee, Brown, Buckley, Burks, Burnett, Carroll, Chance, Cleveland, Collier, Cooley, Craig, Crook, Dennis, Doom, Evans of McLennan, French, Gaston, Hall, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Starr, Henderson of Cass, Hower-ton, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lloyd, McKinney of Travis, Merriman, Mills, Munson, Powell, Price, Rhodes, Roberts, Rogers, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Walling, Waterhouse, Witt and Wood—57.

NAYS—Messrs. Barnard, Bishop, Chilton, Edwards, Evans of Austin, Everett, Fisher, Hart, Henderson of Harris, Hicks, Jennings, Johnson, Norton, Poag, Rainey and Reeves—16.

Mr. Jennings, Chairman of Judiciary committee, reported as follows :

The Judiciary committee, to which was referred the Penal Code, with a request to consider of amendments thereto, and a Senate's bill amendatory of an act to adopt and establish a Penal Code for the State of Texas, approved 28th August, 1856, have had the same under consideration, and respectfully recommend the passage of the Senate's bill, with the accompanying amendments. Report received.

On motion of Mr. Jennings, the report was taken up, and bill and report made the special order for to-morrow, 11 o'clock.

Mr. Munson, Chairman of a committee of Conference, reported as follows :

AUSTIN, January 23, 1858.

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee of Conference, to whom was referred a Senate's bill amendatory of the act incorporating the Memphis, El Paso and Pacific Railroad Company, approved 4th Jan., 1856, and the supplemental act thereto, approved 5th Jan., 1856, together with the 3d amendment offered by the

House thereto, and which was not concurred in by the Senate, but adhered to on the part of the House, have considered the same.

The committee have consented that the 3d amendment, adopted by the House, be fully concurred in, and report the accompanying amendment to come in at the end of the said 3d amendment of the House, and recommend the adoption of the same, and the passage of the bill.

MUNSON,

One of the committee of Conference.

Report adopted.

Amendment to come in at the end of the third amendment of the House :

“And provided, further, that the reservation granted said Company, by the act of which this is amendatory, shall not control or effect the survey of any actual settler, within said reservation, who was settled upon the same, had made improvements thereon, had his land surveyed, and field notes recorded prior to the twentieth day of June, Eighteen hundred and Fifty-seven, unless such settler shall fail, within twelve months from the passage of this act, to perfect his title thereto, or relocate the same with a genuine land certificate or scrip purchased from the State.”

On motion of Mr. Howerton, the rule was suspended, and a bill to incorporate Clinton, in DeWitt county, with amendments thereto from the Senate, taken up, and amendments concurred in.

The following Senate bills were taken from the Speaker's table, read first and second times, and referred as marked :

A bill further regulating proceedings in District Courts; referred to Judiciary committee.

A Joint resolution for the relief of the heirs of D. Rowlett; referred to committee on Private Land Claims.

A bill for the relief of D. M. Symonds' heirs ; referred to committee on Private Land Claims.

A bill for the relief of John Johnson ; referred to committee on Private Land Claims.

A bill for the relief of Hannah Alexander ; referred to committee on Private Land Claims.

A bill to authorize the sale and settlement of the alternate sections of lands reserved to the State in Fisher and Miller's colony, &c. ; referred to committee on Public Lands.

A bill to relinquish the right of the State to certain lands ; referred to committee on Private Land Claims.

A bill authorizing the fund set apart for San Barnard river to be used in the construction of a canal or railroad.

A bill to prohibit the issuance or delivery of land certificates, and the survey or patenting of lands, to the Galveston, Houston and Henderson Railroad Company, until said Company shall have complied with the requirements herein named ; referred to committee on Internal Improvements.

A bill to remove the disabilities of minority from John B. Stewart and John T. Pierce ; referred to Judiciary committee.

And a bill to amend the first section of an act to relinquish to Ysleta, in El Paso county, a certain tract of land adjoining the town tract, &c., approved Jan. 21, 1854 ; referred to committee on Private Land Claims.

A Joint resolution to procure the erection of Court Houses and Post Office buildings at Austin and Tyler, with a Senate substitute for the same, taken up, and substitute adopted.

Mr. Craig offered the following resolution :

WHEREAS, In the early part of this session of our Legislature, a bill, providing for a better observance of the Sabbath, was introduced into this House, and referred to the Judiciary committee for its consideration. And,

WHEREAS, Many members feeling a deep interest in having some suitable legislation on this subject, and sincerely regretting that the committee have so long delayed action on this subject, and fearing that such delay will be destructive of said measure, therefore,

Be it Resolved, by this House, That the Judiciary committee be respectfully solicited to make report, by bill or otherwise, on said bill, without unnecessary delay. Adopted.

Mr. Murrah introduced a bill for the relief of V. R. B. Gray ; read first and second times, and referred to committee on Private Land Claims.

Mr. Murrah introduced a bill to amend the 1st, 2d and 19th sections of an act to incorporate the Marshall Railroad Company, approved Feb. 7th, 1853.

Mr. Witt, by leave, withdrew the petition of Hugh Kinney. On motion of Mr. Johnson, Mr. Burnett was added to the committee on Claims and Accounts.

The hour having arrived, the special order of the day was.

taken up, viz: "A bill to regulate proceedings in County Courts pertaining to the estates of deceased persons."

On motion of Mr. Poag, the bill was postponed and made the special order for Thursday next, at 11 o'clock, A. M., and each member of the Senate furnished with a copy of the same.

Mr. Rainey, Chairman of a Select committee, reported as follows :

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The Special committee, to whom was referred the bills creating the 19th and 20th Judicial Districts, have not held a formal meeting to consider the objects for which said committee was organized, as the Chairman could not secure the attendance of a sufficient number for that purpose. But, from private conversation with individual members, the Chairman is satisfied that a majority of the committee are opposed to any change in the sixteenth Judicial District, as it appears, from the best evidence they can collect, that the present Judge of said District is not engaged in holding the Courts of said District for more than fifteen weeks in the Spring and the same in the Fall, which, in the opinion of the committee, does not amount to more than the average amount of labor performed by the District Judges of this State. The committee are opposed to the dismemberment of the ninth Judicial District.

RAINEY,

Chairman.

Report received.

On motion of Mr. taken up and the substitute proposed by the Judiciary committee adopted.

Mr. Witt moved to amend by striking out "Collin and Denton," wherever it occurred in the bill ; adopted.

Mr. Brown offered the following amendments :

"Include the county of Archer."

Second amendment: "Let the Court be held in Archer at the times proposed for Clay, and commence one week later in Clay, Montague, Cook, and Grayson, respectively."

Third amendment—substitute for last section: Sec. —. "That this act shall take effect so soon as the counties of Throckmorton, Archer, Clay and Montague, shall have been organized and their county seats located."

On motion of Mr. Reeves, the bill and amendments were laid on the table.

On motion of Mr. Norton, the rule was suspended, and "A bill to create Wichita and other counties," was taken up.

Mr. Brown moved to strike out of section 28 all after the words "may be held;" carried.

And the question then recurring on the final passage of the bill, the same was put and the bill passed.

On motion of Mr. Haynes of Starr, "A bill to be entitled an act to provide for boring Artesian wells between the Nueces and Rio Grande rivers," was taken up, with an amendment from the committee on Internal Improvements; amendment adopted.

Mr. Cooley moved to amend by adding "and three wells on the road from the head of the Colorado to El Paso."

Mr. Latham moved to lay the amendment on the table; and there being no quorum voting, the motion to lay on the table was lost.

The question then recurring on the adoption of the resolution, the same was put and the House refused to adopt it.

Mr. Shannon moved to amend by adding "and one well in the town of Buchanan, in Johnson county;" lost.

Mr. Everett offered the following amendment:

"And said wells shall, when completed, make good steamboat navigable rivers of all the dry branches in the State, and one well shall be dug in Angelina county;" laid on the table.

On motion of Mr. Roberts, the previous question was ordered, which being on the passage of the bill to a third reading, the same was put and carried by a vote of 51 yeas to 21 nays.

Mr. Evans of McLennan offered the following amendment—to come in at the proper place:

"Provided that the lands given by this act shall be located between the Nueces and Rio Grande rivers; and that the same shall be alienated in five years from date of patenting."

On motion of Mr. Bee, laid on the table.

Mr. Latham moved a further suspension of the rule, that the bill might be read a third and last time; whereupon, the yeas and nays were demanded, and stood thus:

YEAS.—Messrs. Speaker, Aycock, Barnard, Bee, Bishop, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Collier, Craig, Crook, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Gaston, Hall, Harde-man, Harris of Guadalupe, Harrison, Haynes of Starr, Haynes of Washington, Hicks, Higgins, Howerton, Kinney, Kirk,

Kittrell, Lacy, Latham, Lee, Lesueur, McKinney of Travis, Merriman, Mills, Munson, Norton, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Shannon, Smith of Fannin, Tait, Upshaw, Wælder, Walling, Waterhouse, Witt and Wood—60.

NAYS—Messrs. Burnett, Carroll, Cooley, Everett, Harris of Titus, Hart, Henderson of Cass, Johnson, Lewter, Lloyd, McKenney of Hopkins, Poag, Runnels, Scott, Shelton and Ward—16.

The Chair (Mr. CHILTON in the Chair,) announced the rule as suspended; whereupon, Mr. Everett appealed from the decision of the Chair, saying that there had not been a four-fifths vote in favor of the suspension.

The question being put the Chair was sustained, and the bill was read a third time and passed by the following vote:

YEAS—Messrs. Speaker, Aycock, Barnard, Bee, Bishop, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Craig, Crook, Dennis, Doom, Edwards, Evans of Austin, Fisher, French, Gaston, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Hicks, Higgins, Howerton, Kinney, Kittrell, Latham, Lee, Lesueur, McKinney of Travis, Merriman, Munson, Norton, Poag, Powell, Price, Rainey, Rhodes, Rogers, Ross, Shannon, Tait, Upshaw, Wælder, Walling and Waterhouse—51.

NAYS—Messrs. Burnett, Burks, Carroll, Collier, Cooley, Evans of McLennan, Everett, Harris of Titus, Harrison, Hart, Henderson of Cass, Johnson, Kirk, Lacy, Lewter, Lloyd, McKenney of Hopkins, Reeves, Roberts, Runnels, Scott, Shelton, Ward, Witt and Wood—24.

On motion of Mr. McKinney of Travis, Mr. Smith of Orange was excused on account of sickness.

On motion of Mr. Harrison, the House adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—no quorum.

Mr. Poag moved to adjourn until 7 o'clock, P. M.—lost.

On motion of Mr. Howerton, the Sergeant-at-arms was sent for absentees. Quorum present.

A message was received from the Senate announcing the passage by the Senate of a House bill to incorporate the New Braunfels Academy, with an amendment, and of the following Senate bills :

Joint Resolution allowing W. L. Todd, Judge 8th Judicial District, leave of absence from the State.

A bill to authorize the issuance of patents upon certain surveys in Peter's Colony, and

A bill concerning writs of certiorari from the Justice's Courts.

On motion of Mr. Kittrell, the rule was suspended and a bill to provide for the purchase of a site for the Institution of the Deaf and Dumb, taken up and read second time.

Mr. Kittrell offered a substitute for the bill—adopted and ordered to be engrossed ; rule further suspended, bill read third time and passed.

A Senate bill to allow free persons of African descent to select their own masters and become slaves, taken up, with an amendment offered by Mr. Chilton, when the bill was before the House on a previous day.

Mr. Haynes of Starr, proposed the following as a substitute for the amendment :

Add to the end of Section 3, "except as provided for in Sections 6 and 7 of this act."

Sec. 6. That no free person of African descent who shall become a slave under the provisions of this act shall be subject to forced sale.

Sec. 7. That in all sales of persons becoming slaves under this act, the family tie shall in no case be violated, and no such slave shall be sold separate from the family to which slave may belong ; laid on the table.

Mr. Rhodes moved to lay the amendment on the table, the yeas and nays were called and the House refused to lay the amendment on the table by the following vote :

YEAS—Messrs. Speaker, Buckley, Burnett, Carroll, Fisher, Hardeman, Hicks, Higgins, Howerton, Lee, McKenney of Hopkins, Powell, Price, Rhodes, Roberts, Shannon, Tait and Wood—18.

NAYS—Messrs. Aycock, Barnard, Bee, Bishop, Brown, Chance, Chilton, Cleveland, Clow, Collier, Craig, Crook, Dennis, Doom, Edwards, Evans of McLennan, Everett, Fisher, Gaston, Hall, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Starr, Henderson of Cass, Jennings Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Lloyd,

McKinney of Travis, Merriman, Mills, Munson, Murrah, Norton, Rainey, Reeves, Rogers, Ross, Runnels, Scott, Shelton, Smith of Fannin, Upshaw, Wælder, Walling, Ward, Waterhouse and Witt—57.

Mr. Chilton's amendment was adopted, and bill passed to a third reading.

Mr. Shannon proposed to amend by striking out all that part which permits the mother to sell her offspring into slavery ; laid on the table.

Mr. Jennings proposed to amend the 5th Section, by striking out \$50 and inserting \$20.

Mr. Bee proposed to amend the amendment by inserting \$10 instead of \$20—adopted and amendment as amended adopted and the bill passed by the following vote :

YEAS—Messrs. Speaker, Aycock, Barnard, Bee, Bishop, Brown, Buckly, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Craig, Crook, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Gaston, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Starr, Henderson of Cass, Henderson of Harris, Hicks, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lewter, Lloyd, McKinney of Travis, Merriman, Mills, Munson, Murrah, Norton, Powell, Price, Rainey, Reeves, Rhodes, Ross Runnels, Scott, Shannon, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Walling, Ward and Waterhouse—69.

NYAS—Messrs. Cooley, Everett, Higgins, McKenny of Hopkins, Navarro, Roberts and Wood—7.

A report from Finance committee recommending the passage of a substitute for a bill to raise a revenue by taxation, taken up, and substitute adopted.

Mr. Wælder proposed to amend as follows :

“ Between the first January and first March in each year to call upon such person or firm so occupied or engaged, for the gross amount of his or their stock in trade on the first day of January, which amount shall be required to be stated under oath, and any person or firm, when so called upon, who shall fail or refuse to furnish such statement to such Assessor and Collector shall be liable to a penalty of fifty dollars for ;” laid on the table.

On motion, the House adjourned until 7½ o'clock—pending the engrossment of the bill.

7½ O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present—question pending when the House adjourned, viz : a bill to raise a revenue by taxation, taken up.

Mr. Price proposed to amend as follows :

To come in at the end of 4th Sec. Amend by requiring all bankers, peddlers and all kinds of showmen upon the payment of tax to take a receipt for the amount so paid, which receipt shall authorize the county Treasurer to issue a license in accordance with the amount so paid—adopted, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed.

A bill for the reclamation of fugitive slaves, taken up.

Mr. McKinney of Travis, offered the following amendments :

Insert in 4th line 2d Sec., after the words for the amount of said 33½ per. ct. on the amount—adopted.

5th line, 3d Sec., after the word valuation, insert, with interest thereon at the rate of 8 per ct. per annum, and also 5 per ct. of the appraised value of said slave, which 5 per ct. shall remain in the Treasury as an accumulating fund to be applied to the purposes contemplated by this act—adopted.

Sec. 6. *Be it further enacted*, That any person returning a slave as contemplated by the preceding sections of this act who shall deliver the same to the owner in any portion of this State shall be entitled to receive the same compensation as if delivered to the Sheriff of Travis county, and shall be entitled to hold possession of such slave or slaves as security therefor, until paid, and that this act take effect from and after its passage ; adopted.

Mr. Hart proposed to amend as follows :

Provided this law shall not be construed to apply to fugitive slaves that may be arrested within the Indian territory of the U. S.

Mr. Poag proposed to add to Mr. Hart's amendment, the words, " Nor in Louisiana nor in Arkansas"—laid on the table.

Question on the adoption of Mr. Hart's amendment was put ; amendment laid on the table.

Mr. Buckley moved to reconsider the vote laying Mr. Hart's amendment on the table ; carried.

Mr. Buckley proposed to add to the amendment the words, " where slavery exists ;" accepted, and amendment adopted by a vote of 63 yeas to 9 nays ; bill read third time and passed.

Mr. Henderson of Harris, introduced a bill to amend the Charter of the Houston and Texas Central Railroad Company; read first and second times and ordered to be engrossed; rule further suspended, read third time and passed by a two-third vote.

Mr. Henderson of Harris, also introduced a bill for the relief of the Houston and Texas Central Railroad Company; read first and second times and ordered to be engrossed; rule further suspended, bill read third time and passed by a two-third vote.

Mr. Mills moved a suspension of the rule to take up a Senate bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company with a report from committee on Internal Improvements, recommending amendments; carried, report adopted.

Mr. Price offered the following amendment:

2d Sec. strike out the words "at or near the town of Columbus in Colorado county," and insert the words "at Columbus in Colorado county or at LaGrange in Fayette county, or at any intermediate point between those two points which shall be shown by actual survey to offer the shortest, cheapest and best route;" adopted.

Mr. Price proposed to amend as follows:

Amend caption by striking out "Columbus," and insert "Colorado;" adopted.

Mr. Poag proposed to amend by striking out the 15th section; lost, and bill passed to a third reading; rule further suspended, bill read third time and passed by a two-third vote.

Mr. Clow moved to reconsider the vote refusing to engross the bill for the relief of Eli Kirk.

Mr. Ross moved to lay the motion on the table.

On motion of Mr. Hart, a call of the House was ordered.

Mr. Chilton moved to suspend the call; lost.

On motion, the House adjourned until 9½ o'clock, A. M. tomorrow.

Pending, the motion of Mr. Ross to lay the motion to reconsider on the table.

AUSTIN, January 26th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

Mr. Waterhouse, one of the committee on Enrolled Bills, reported as follows:

Hon. M. F. LOCKE,

Speaker House of Representatives:

The Joint Committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, properly signed and this day presented to the Governor for his approval and signature:

An act to be entitled an act to incorporate Dallas Lodge, No. 44, I. O. O. F.

An act to incorporate the Melville Male and Female Academy in Rusk county.

RICHARD WATERHOUSE,

One of the Committee.

January 26th, 1858.

A message was received from the Senate, announcing to the House that the Senate had passed a bill to better provide for the protection of the frontier, originating in the Senate.

Mr. Price, one of the committee on the Judiciary, reported as follows:

To the Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred a bill repealing an act entitled an act creating a system of bankruptcy and regulating the collection of foreign debts, passed January 19th, 1841, have had the same under consideration, and instruct me to report it back to the House and earnestly recommend its passage.

The committee are of the opinion that the Constitution and Laws afford the debtor all the protection and relief to which he is entitled—a proper regard being had for the other interests of society. Whatever may have been the circumstances and necessities which superinduced the passage of the old law, the committee are clearly of the opinion that its longer continuance upon our statute books is not required, and would be in contravention of the best interest of the people. To allow the debtor, upon his own oath and showing, in a proceeding but little if any better than an ex parte hearing, to rid himself of all his just liabilities is, in the estimation of your

committee, clearly not compatible with the interests or wishes of the people of this State, wherefore, the committee recommend the passage of this repealing act. All of which is respectfully submitted. Report received.

Mr. Munson, one of the committee on the Judiciary, reported as follows :

AUSTIN, January 25th, 1858.

TO THE HON. M. F. LOCKE,

Speaker of the House of Representatives :

The Judiciary committee, to whom was referred an act to be entitled an act providing that damages may be secured in case of homicide not justifiable or excusable, have examined the same and concurred in the following favorable report, and recommend the passage of the bill.

Under the common law, a man can recover damages from one who breaks his leg or arm ; but no damages can be recovered against one who takes his life, which is the greater injury.

This is unjust. The wife, for instance, of a man upon whose daily labor she and her children depend for their support, is more injured if he be killed, than if he be maimed. A criminal conviction tends to the protection of society at large, but does nothing towards restoring the loss sustained by her and her fatherless little ones. The punishment of the offender is no restitution or support to them. The wife should have redress for the loss of her husband, the husband for the loss of his wife, the children for the loss of their parent, the parent for the loss of their children, and lastly, the creditors of the person killed should have their remedy, against whoever deprives them of their opportunity of recovering their debt from the proceeds of his exertions. On principle these parties considered in the order given, should not be left without that remedy afforded by the law for injuries of comparatively minor consequences, and the same justice should be meted out to bodies politic as to individuals. The bill reported supplies a defect in the common law, which to a greater or less extent has been supplied by statutes in England, and in many of the States of this Union.

Your committee are of opinion, that such a bill is in equity demanded, and that if passed into a law, it will be of vast service. By its aid, in all justice, not only the wealthy murderer may be compelled to make some approximate reparation—the only reparation in his power to those deeply injured, but the

poorest offender in that way may be visited by a judgment of exemplary damages, that will prevent him from holding property (beyond that exempted) in this or in any other of the United States until it is satisfied.

As is too frequently the case, those who escape unwhipped of justice, when criminally prosecuted will have to pay, remain in poverty or leave the State, and in any event the cause of law and order will be advanced, and the country be benefitted.

MUNSON,
One of the Committee.

Report received.

Mr. Munson moved to suspend the rule and take up the report and bill; lost.

Mr. Kittrell, Chairman of the Committee on Education, reported as follows:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Education, to whom was referred a bill to be entitled an act supplementary to an act entitled an act to consolidate the Texas Monumental Committee and the Texas Military Institute with Ruttersville College, approved, August 6th, 1856, have informally examined said bill, and find its objects to be to place the institution under the supervision of the State, its management remaining as before in the Board of Trustees, as provided for in the act of consolidation, and to tender the property of the same to the State. Your committee having learned with pleasure, that this institution is prospering under the direction of its present able Superintendent, C. G. Forshey and his efficient corps of assistants, deem it well worthy of the notice and supervision of the State without any patrimony; we, therefore, report this bill back to the House and recommend its passage; report received.

Mr. Price moved to suspend the rule and take up the bill; lost.

Mr. McKinney of Travis, by leave, withdrew the papers, &c., of the heirs of Simpson Robinson.

Mr. Johnson, one of the committee on Engrossed Bills, reported as follows:

To Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined and find correctly Engrossed,

A bill to be entitled an act to amend the Charter of the Houston and Texas Central Railroad Company, and

A bill to be entitled an act to amend the Charter of the Houston and Texas Central Railroad Company.

THOS. J. JOHNSON,
One of the Committee.

Report received.

On motion of Mr. Edwards, the rule was suspended, and a Senate bill to protect the frontier, taken up.

Mr. Lacy proposed to amend as follows :

Amend by striking out that portion of the bill which authorizes the Governor to call out any additional force for the purpose of prosecuting excursions against the Indians out of the State.

Mr. Brown proposed to substitute the amendment, by the following : After the word "within," 6th Sec., strike out the words "or without ;" lost.

On motion of Mr. Chilton, Mr. Lacy's amendment was laid on the table.

Mr. Wælder proposed to amend by striking out \$70,000 and inserting \$200,000 : lost.

On motion of Mr. Bee, the rule was suspended and the bill passed by the following vote :

YEAS—Messrs. Aycock, Barnard, Bee, Bishop, Brown, Chance, Chilton, Cleveland, Clow, Collier, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Higgins, Howerton, Jennings, Joseph, Kirk, Kittrell, Lee, Lesueur, McKinney of Travis, Merriman, Mills, Munson, Powell, Price, Reeves, Rhodes, Runnels, Scott, Shannon, Smith of Fannin, Tait, Upshaw and Wælder—45.

NAYS—Messrs. Speaker, Burnett, Crook, Doom, Everett, Gaston, Hall, Harrison, Hart, Haynes of Washington, Henderson of Cass, Hicks, Johnson, Kinney, Lacey, Latham, Lester, Lloyd, McKenney of Hopkins, Murrah, Navarro, Norton, Poag, Rainey, Ross, Shelton, Waterhouse, Witt and Wood—29.

Mr. Brown, moved a reconsideration of the vote just taken.

Mr. Bee moved to lay the motion to reconsider on the table, the House refused to lay the motion on the table by the following vote :

YEAS—Messrs. Aycock, Bee, Burnett, Chance, Chilton, Cleveland Clow, Craig, Crook, Dalrymple, Dennis, Doom, Ed-

wards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hardeman, Harris of Titus, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Joseph, McKinney of Travis, Merriman, Mills, Powell, Price, Reeves, Runnels, Shannon, Smith of Fannin, Waterhouse and Wood—36.

NAYS—Messrs. Speaker, Barnard Bishop, Brown, Buckley, Carroll, Collier, Cooley, Gaston, Hall, Harrison, Hart, Haynes of Starr, Haynes of Washington, Hicks, Jennings, Johnson, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lewter, Lloyd, McKenney of Hopkins, Munson, Murrah, Navarro, Norton, Poag, Rainey, Rhodes, Ross, Scott, Shelton, Tait, Upshaw, Walling and Witt—41.

The question upon reconsideration, was put and vote reconsidered by the following vote :

YEAS—Messrs. Speaker, Barnard, Bishop, Brown, Buckley, Carroll, Clow, Collier, Cooley, Craig, Everett, Hall; Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Hicks, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lloyd, McKenney of Hopkins, Murrah, Navarro, Norton, Poag, Rainey, Rhodes, Rogers, Ross, Runnels, Scott, Smith of Fannin, Tait, Walling and Witt—46.

NAYS—Messrs. Aycock, Bee, Burnett, Chance, Chilton, Cleveland, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Hardeman, Henderson of Cass, Higgins, Howerton, McKinney of Travis, Merriman, Mills, Munson, Powell, Price, Reeves, Shannon, Upshaw, Wælder, Waterhouse and Wood—31.

Mr. Brown proposed to amend by striking out all after the word "war" in the 6th line 6th sec. ; adopted by the following vote :

YEAS—Messrs. Speaker, Barnard, Bishop, Brown, Buckley, Burnett, Carroll, Clow, Collier, Cooley, Craig, Everett, Gaston, Hall, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lloyd, McKenney of Hopkins, Mills, Munson, Murrah, Norton, Poag, Powell, Price, Rhodes, Rogers, Ross, Scott, Shelton, Smith of Fannin, Tait, Upsaw, Wælder, Walling and Witt—51.

NAYS—Messrs. Bee, Chilton, Chance, Cleveland, Dalrymple, Dennis, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Hardeman, Hicks, Higgins, McKin-

ney of Travis, Merriman, Navarro, Reeves, Roberts, Shannon, Waterhouse and Wood—23.

The question on the final passage of the bill was put and bill passed by the following vote:

YEAS—Messrs. Speaker, Barnard, Bishop, Brown, Buckley, Burnett, Carroll, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Dalrymple, Dennis, Evans of Austin, Hall, Hardeman, Harris of Guadalupe, Harrison, Haynes of Star, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lee, Leseuer, McKenney of Hopkins, Merriman, Mills, Munson, Murrah, Norton, Powell, Price, Reeves, Rhodes, Rogers, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Walling and Witt—57.

NAYS—Messrs. Bee, Doom, Edwards, Evans of McLennan, Everett, Fisher, French, Gaston, Harris of Titus, Haynes of Washington, Hicks, Lloyd, Navarro, Poag, Rainey, Roberts, Ross, Waterhouse and Wood—20.

A message was received from the Senate announcing the passage of the following bills by that body:

A House bill to incorporate the Houston Insurance Company, with an amendment.

A House bill to purchase a site for the Institution of the Deaf and Dumb, with an amendment.

A House bill to amend an act to locate the site of Justice of Kaufman county, approved December 2d, 1850, and an act to provide for the erection of public buildings in Kaufman county, approved December 13, 1851.

A bill to incorporate the town of Victoria, and

A bill to authorize the Governor to appoint an Agent for the Alabama and Coshattie Indians; and that the Senate had concurred in the amendments of the House to the following bills:

An act to provide for boring Artesian Wells between the Nueces and Rio Grande rivers.

An act to permit Free persons of color of African descent to select their own masters and become slaves.

An act to legalize the acts of Wm. T. Harris, county Surveyor of Wood county.

An act for the relief of William J. Whiting.

Mr. Rainey moved a reconsideration of the vote passing the Frontier Bill—the Chair decided the motion out of order, the same having been made and voted upon on the same stage of the bill.

Mr. Rainey appealed from the decision—the House sustained the Chair.

Mr. Mills, Chairman committee on Claims and Accounts, reported as follows on the petition of Q. J. Nichols :

COMMITTEE ROOM, }
January 25, 1858. }

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on claims and accounts have had the relief petition of Q. J. Nichols, before them, claiming pay amounting to \$10,500, for alleged extra work on the New Land Office, charged to have been ordered by the Commissioners, having control of the building, and after a candid inquiry report as follows: On the 28th of July, 1856, Mr. Nichols entered into a contract with E. M. Pease, S. Crosby and James H. Raymond, Commissioners, appointed by "An Act to provide for the erection and furnishing a fire-proof building to be used as a General Land Office for the State of Texas," approved Feb. 2d, 1856. The plan and specifications explanatory of the plan, including the cistern, fence and out-buildings, were advertised;—the contract was awarded to Nichols at \$39,780. The plan was made a part of the contract, by reference, signed by him, and the specifications, which were not altered after signing, were annexed to the same, the whole to be completed on the 28th of January, 1858.

The first item for extra work is \$1,400, claimed in consequence of the building being placed on a hill side, causing a deeper foundation: this certainly cannot be legitimate, since the Act being a part of the contract above referred to, specially designates the place for the building, viz., on "half of Block 136, bounded on the N. by College Avenue," in this city; indeed, the contract declares that the foundation shall be deeper than five feet, if necessary, and any leveling up must, by reasonable intendment, have been included. So, of all the other items for extra work; we have examined and compared them with the plan and specifications signed, and think no extra work has been done by the contractor, so far. These extra charges are the alleged results of changes in the specifications ordered by the Commissioners; but after a minute examination of these gentlemen, in the presence of the contractor, a majority of the (Mr. Price dissenting) committee are of opinion that no material change in the plan and specifications were

ordered by them, except in one particular, viz., window shutters and doors—a less costly and lighter shutter and door being substituted—the change was in the contractors favor of about \$2,500.

It is true, one of the Commissioners, Mr. Raymond, requested the contractor to proceed, in a part of the work which the latter was of opinion was extra work; but it will be seen, by his note, herewith filed, that Mr. Raymond urged the progress of the work and promised a recommendation to the Legislature in his favor, provided the contractor was correct in his construction of the contract, in which we think he was in error. We therefore say that no extra work was done; nor do we find that any alteration of the contract, injurious to the contractor, was made after it was signed. The building is not yet finished; and if the contractor finishes the work according to the plan, he can make but little out of his contract. We have no hesitation in saying that he has had a hard bargain, resulting from natural causes, none of which can be imputed to the State. If the Legislature should think proper to grant the memorialist some relief, the committee will heartily join in it, but do not feel themselves authorized to indicate the measure of that relief. I am instructed to report the following bill.

Respectfully submitted,

MILLS, *Chairman.*

Report received and bill read first time.

Mr. Lee moved to suspend the rule and take up bill No. 71.
Lost.

HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined “a bill to be entitled an act making an appropriation for the purchase of a permanent location for the Institution established for the education of the Blind of the State of Texas,” and find the same correctly Engrossed.

R. J. CLOW,

One of the Committee.

January 26, 1858.

Also, a bill creating the counties of Wichita, Concho, Coleman, &c.; report received.

On motion of Mr. Chilton, the House adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present.

Mr. Fisher moved to adjourn until 9½ o'clock, A. M., to-morrow—lost.

On motion of Mr. Burnett, the Sergeant-at-Arms dispatched after absentees. Quorum present.

On motion of Mr. Brown, the vote laying the bill creating the 20th Judicial District on the table, was reconsidered, and the bill referred to a Joint Select committee of 5 from the part of the House and 3 on the part of the Senate.

Mr. Rainey, Chairman of committee on Internal Improvements, reported, recommending the passage of "a bill granting further time to Railroad Companies heretofore incorporated to make the reports required of them" with the following amendment, viz: Strike out the 20th day of October, and insert the 1st day of July, 1858; report received.

Mr. Rainey, as Chairman of the same committee, reported, recommending the passage of "a bill to prohibit the issuance or delivery of land certificates and the survey or patenting of land to the Galveston, Houston and Henderson Railroad Company, until said Company shall have complied with the requirements herein named.

Report received.

Mr. Norton introduced a bill to authorize the Tellico Manufacturing Company to construct and maintain a Toll Bridge across the Trinity river; read first and second times and referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Henderson of Cass, Mr. Ward was excused from attendance on the House on account of sickness.

The special order, viz: Senate Bill to amend an act to adopt and establish a Penal Code, with a report from the Judiciary committee, recommending amendments, taken up.

Mr. Kittrell one of committee on the Penitentiary, made the following report:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on the Penitentiary to whom was referred a special resolution from the Judiciary committee, so much of the Penal Code as relates to the Penitentiary, and House of Correction, and the rules of organization and principles of gov-

ernment for the same, have had the same under consideration, and would beg leave respectfully to report :

That they deem the creation and establishment of a House of Correction as premature and unnecessary, and unsuited to a State like ours which is but in its infancy. We believe this branch of criminal police as better suited to densely populated States, especially those which have large commercial cities, where the youths of our country are hurried into or tempted to the commission of crime by the multiplied inducements which are continually presenting to lead them astray from the paths of rectitude.

Your committee are of the opinion that the expenses which must necessarily attend an institution of the kind, would far overbalance its advantages, such as the expense of erecting suitable buildings, and the salaries of a batch of officers which must for a considerable length of time be mere sinecures and an unnecessary drain on our Treasury. We further believe that when the *Young Americas* of our State so far depart from the paths of virtue as to commit crimes deserving of punishment in a house of correction, that they are fit subjects for penitentiary punishment and should be subjected to the same.

Your committee can find but little alteration in the system of police governing the penitentiary which needs amendment save one. They believe the minimum time for confinement (say one year,) is too short to answer the purposes of reformation. They, therefore, both as a matter of policy and reformation, would recommend that it be changed to two years, and that all laws relating to the same in our Codes of criminal jurisprudence be made to conform to this change.

P. W. KITTRELL,
One of Committee.

Which was taken up for consideration in connexion with the special order.

Mr. Rainey moved to read and consider the committee's amendment *seriatim*.

On motion of Mr. Wælder, the amendments were adopted *en mass*, by the following vote :

YEAS—Messrs. Speaker, Aycock, Bishop, Buckley, Burnett, Carroll, Chance, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dennis, Doom, Edwards, Evans of Austin, Everett, Fisher, French, Gaston, Hardin, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Washington, Haynes of Starr, Henderson of

Cass, Hicks, Higgins, Jennings, Joseph, Kirk, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKinney of Travis, Merriman, Mills, Munson, Murrah, Poag, Powell, Price, Rhodes, Roberts, Rogers, Ross, Runnels, Scott, Shelton, Smith of Fannin, Tait Wælder, Walling, Waterhouse, and Wood—59.

NAYS—Messrs. Chilton, Evans of McLennan, Navarro, Norton, Rainey, Reeves and Shannon—7.

Mr. Rainey called for the reading of the amendments ; the House refused to have the amendments read.

Mr. Wælder proposed the following additional amendment :
Add to the end of the last Section “and that this act shall take effect and be in force from and after the 1st day of July, 1858” ; adopted.

On motion of Mr. Buckley, the amendments were then taken up and read.

On motion the House adjourned until 7 1-2 o'clock, P. M.

7 1-2 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Bill pending when House adjourned viz :

A bill supplemental to an act to establish a Penal Code for the State of Texas, taken up.

Mr. Buckley offered the following amendment which was adopted :

“Amend article 668 by inserting between the words “persons” and “shall” in the first line the words “who deals in intoxicating liquors either by wholesale or retail.”

The Speaker announced Messrs. Brown, Bishop, Witt, Shannon and Reeves, a special committee on the part of the House on the bill to create the 20th Judicial District.

Mr. Buckley offered the following amendment to the Penal Code which was adopted ; strike out “marriage or” in 2nd line and all after the word “not” in the last line but one, article 519.

Mr. Jennings offered the following amendment, “amend by adding to the repealing clause article 790” ; on motion of Mr. Dennis, laid on the table.

Mr. Chilton, offered the following amendment, “amend by striking out all after “defendant” in 2nd line to “no” in 3rd line.”

Mr. McKenney of Hopkins, moved to lay the amendment on the table ; lost.

Mr. Rainey moved to substitute by adding after the word "seduced" "and she refuses" ; lost.

Mr. Chilton's amendment—rejected.

Mr. Hart proposed a substitute for article 717 ; laid on the table.

Mr. Norton proposed to amend article 788, by striking out "under the age of 25 years" and insert "over the age of 25 years."

Mr. Price proposed to amend by inserting "18 years instead of 25" ; on motion of Mr. Rainey, laid on the table.

Mr. Mills offered the following amendment :

Amendment by inserting additional article on page 156.

ART. 791 a. If any person being married, shall seduce an unmarried female, whether she knew the person was married or not, under the age of 25 years, and shall have carnal knowledge of such female he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years, or by fine of not less than one thousand nor more than five thousand dollars.

Laid on the table.

On motion of Mr. Howerton the main question was ordered and bill passed to a third reading.

On motion of Mr. Wælder, the rule was suspended, bill read third time and passed.

On motion of Mr. Reeves the rule was suspended and a bill to ascertain what land certificates have been illegally issued in Peter's Colony, and to provide for issuing Patents upon such certificates as are legally taken up, with report from the committee on Public Lands, recommending amendments ; committee amendments adopted.

Mr. Rainey proposed to amend as follows :

Provided, That no Commissioner so appointed shall reside in, or own any interests in the lands embraced in said colony.

Mr. Scott proposed to amend the amendment as follows :

That each Commissioner shall take an oath that he is not interested in the certificates to be examined ; accepted.

Mr. Bishop proposed the following as a substitute for the amendment as amended :

Provided, That each of the said Commissioners before entering upon the discharge of their official duties shall be re-

quired to swear that he is not interested in any Peters' Colony certificates, issued since the 1st February, 1855 ; lost.

On motion of Mr. Chilton the main question was ordered, which being upon the adoption of Mr. Rainey's amendment, as amended, the yeas and nays were called and stood thus :

YEAS—Messrs. Speaker, Burks, Burnett, Chilton, Cleveland, Clow, Cooley, Craig, Crook, Dennis, Everett, Gaston, Hardin, Harris of Guadalupe, Harris of Titus, Henderson of Cass, Higgins, Howerton, Joseph, Kirk, Kittrell, Lacy, Lewter, Lloyd, McKenney of Hopkins, Merriman, Mills, Munson, Navarro, Norton, Price, Rainey, Rhodes, Roberts, Ross, Runnels, Shelton, Smith of Fannin, Tait, Wælder, Walling and Wood—44.

NAYS—Messrs. Bishop, Brown, Buckley, Carroll, Dalrymple, Doom, Harrison, Hart, Latham, Lee, Lesueur, Murrah, Powell, Reeves, Scott, Shannon and Upshaw—17.

So the amendment was adopted and bill passed to a third reading.

Mr. Roberts proposed to amend by striking out "Governor appoint" and insert "Legislature elect," laid on the table.

Mr. Walling proposed to amend by striking out Commissioners wherever it occurs in the bill and insert "shall bring suit in the District Court in the county where the certificates were issued" ; laid on the table.

Mr. Reeves proposed to amend by striking out of 13th section, the words, "and payment by plaintiff of all costs of such suit" ; laid on the table.

Rule further suspended ; and on motion of Mr. Brown the main question was ordered and the bill passed.

Mr. Upshaw introduced a joint resolution, to prohibit Captains of Companies in the State, from leaving their companies except in case of sickness ; read 1st time ; rule suspended read 2nd time.

Mr. Rainey proposed to add "without leave obtained from the Governor" ; lost.

Mr. Wælder proposed to amend by adding section 2d, "that this resolution take effect from its passage."

Mr. Brown moved to adjourn until 9 1-2 o'clock to-morrow A. M. ; lost.

On motion of Mr. Price the House adjourned until 4 o'clock, A. M., to-morrow.

Pending Mr. Wælder's amendment.

4 O'CLOCK, A. M.

AUSTIN, JANUARY 27th, 1858.

House met pursuant to adjournment—roll called—no quorum.

Present—Messrs. Speaker, Barnard, Buckley, Carroll, Chilton, Cleveland, Clow, Edwards, Everett, Fisher, Gaston, Hall, Harris of Titus, Harrison, Henderson of Cass, Hicks, Howerton, Johnson, Kirk, Lacy, Latham, Lesueur, Merriman, Norton, Poag, Powell, Price, Rhodes, Roberts, Ross, Upshaw and Walling.

On motion of Mr. Barnard, the following list of absent members, was furnished to the Seargent-at-Arms :

Messrs. Aycock, Baldwin, Bee, Bishop, Brown, Burks, Chance, Collier, Cooley, Craig, Crawford, Dalrymple, Dennis, Evans of Austin, Evans of McLennan, Hardeman, Hardin, Harris of Guadalupe, Hart, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Jennings, Joseph, Kinney, Kittrell, Lee, Lewter, Lloyd, McKinney of Travis, Mills, Munson, Murrah, Navarro, Price, Rainey, Reeves, Rogers, Runnels, Scott, Shannon, Smith of Fannin, Tait, Wælder, Ward Waterhouse, Witt and Wood.

The Seargent-at-Arms returned and reported that he had called upon Messrs. Henderson of Harris, Dennis, Craig, Munson and Jennings, who refused to attend upon the House without a warrant from the Speaker ; on motion a warrant was issued for the arrest of the absentees.

A quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Kittrell, the following Senate bills were taken up.

A bill concerning writs of certiorari from Justices' Court ; read first time ; on motion of Mr. Buckley the rule was suspended, bill read second time and passed to a third reading ; rule further suspended, bill read third time and passed.

A bill to authorize the issuance of patents on certain certificates in Peters' Colony ; read first and second times and referred to Committee on Public Lands.

A Joint Resolution allowing Wm. S. Todd, leave of absence from the State ; read first time.

On motion of Mr. Buckley a suspension of the rule in order to take up the bill carried and bill read second time ; rule further suspended bill read third time and passed.

On motion of Mr. Latham the rule was suspended and a bill to authorize the translation of certain Spanish documents taken up ; read second time and ordered to be engrossed ; rule further suspended read third time and question being upon final passage of the bill ; lost.

But the yeas and nays were called and stood 27 yeas and 24 nays ; no quorum having voted—the House adjourned until 2 1-2 o'clock, P. M.

2 1-2 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Waterhouse, one of the committee on enrolled bills reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives.

The Joint Committee on Enrolled bills have examined the following bills and find them correctly enrolled, properly signed and this day presented to the Governor for his signature and approval.

An act to be entitled an act to incorporate the town of Clinton, in DeWitt county.

An act to be entitled an act, to legalize the acts of Wm. T. Harris, county surveyor of Wood county.

An act to be entitled an act, to amend the 1st section, of an act to change the time of holding county courts of Upshur county, approved November 13, 1857.

An act to be entitled an act, for the relief of William J. Whiting.

An act to be entitled an act, to provide for the incorporation of towns and cities.

An act to be entitled an act, to provide for boring Artesian Wells, between the Nueces and Rio Grande Rivers.

An act to be entitled an act to permit free persons of African descent, to select their own masters and become slaves.

January 27th, 1858.

RICHARD WATERHOUSE.

One of the Committee.

Report accepted.

Mr. Price introduced a bill to provide for leasing the salt

lake in Hidalgo County, known as "Sal del Rey"; read first and second times and referred to the committee on State Affairs.

Mr. Brown introduced a bill to amend an act to consolidate into one and amend the several acts incorporating the city of Galveston; read first and second times and referred to committee on State Affairs.

Mr. McKinney of Travis, made the following report:

The Joint committee on Stock and Stock Raising, have had the subject under careful consideration for many days. The stock interest of Texas is secured to none, and therefore recommends itself with great force to legislative action.

Your Committee have had before it letters, petitions and documents, received from our absent fellow-citizens throughout the State, and present before them other intelligent citizens engaged in that pursuit, all of whom have assisted in drawing up the bill now presented to the House and which is believed to be as perfect as we can now frame one; and we earnestly recommend the passage of the same, and also that it be acted on as early as possible.

Signed	{	THOMAS F. McKINNEY. MARTIN D. HART. SOMERS KINNEY.
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Report received and bill read first time.

On motion of Mr. Brown the rule was suspended, bill and report taken up, bill read second time and made the special order of the day for Monday, February 1st, 1858.

A message was received from the Senate announcing that the Senate had passed a Joint Resolution to establish a weekly overland mail route.

And of the passage of the following House bills:

A bill to incorporate the Beneficiary Association of San Antonio, with an amendment.

A bill to incorporate Union Hill High School, with an amendment.

A bill to provide for transcribing County records.

A bill defining the time of holding the District Courts in the 4th Judicial District.

A bill supplemental to an act to create the 19th Judicial District, to regulate the holding of District Courts &c.

Joint Resolution relative to U. S. Coupons.

A bill for the relief of Ben. F. Terry.

A bill for the relief of certain purchasers of Austin City and out Lots.

A bill making an appropriation for the payment of certain claims therein named.

A bill supplemental to an act for the investment of the Special School Fund in Bonds of Railroad Companies, approved August 13, 1856.

And a Joint Resolution relative to Indians west of the Pecos river.

The Senate had concurred in the amendments of the House to a Senate bill for the better protection of the frontier.

The Senate has appointed Messrs. Walker, Throckmorton, Potter, Erath and Britton, a committee on the part of the Senate to act in conjunction with the committee of the House upon the bill creating the 20th, Judicial District.

And has refused to recede from its amendments to a House, bill for the purchase of the Alamo Monument, has appointed Messrs. Russell, Paschal, and Herbert a committee of conference thereon and requests the appointment of a like committee on the part of the House.

Mr. Clow one of committee on engrossed bills, reported correctly engrossed a bill to encourage the reclamation of slaves escaping beyond the limits of the State, and a bill to incorporate the Colorado, San Antonio and Rio Grande Rail Road Company ; report accepted.

Mr. Joseph one of the Judiciary Committee, reported recommending the passage of a Senate bill to incorporate the Texas Life, Fire and Marine Insurance Company of Galveston ; report received.

Mr. Kirk one of the Committee, on Private Land Claims reported asking to be discharged from the further consideration of the petition of Danl. M. Crist ; report received.

Mr. Gaston one of Private Land Claims committee reported adversely on the petition of B. H. H. Butts ; report received.

Mr. Ross one of the same committee, reported a bill for the relief of Geo. S. Hyde and recommended its passage.

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of George S. Hyde, and the accompanying proofs, have examined the same, and find from the proof that said George S. Hyde, emigrated to the Republic of Texas

previous to the Declaration of Independence, and was over seventeen years of age, and as such emigrant, was entitled to one third of a league of land ; but owing to deficiency of proof before the local board they refused to grant him a head-right for more than 640 acres. Having since learned from the emigrants that came to the country with him that he could make the necessary proof to establish his claim to one-third of a league, which your committee think is amply sufficient to establish his right to an augmentation for the balance of the third of a league, or eight hundred and thirty six acres of land.

In view of the facts, your committee have instructed me to report the accompanying bill and recommend its passage.

WILLIAM M. ROSS,
One of the Committee.

Report received and bill read first time.

Also reported recommending the passage of a Senate Joint Resolution for the relief of the heirs of D. Rowlett, deceased ; report received.

Mr. Kittrell, Chairman of Committee on Public Debt reported as follows, on a bill for the relief of Margaret McCormick.
Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Debt, to whom was referred a bill for the relief of Mrs. Margaret McCormick, have carefully examined all of the written testimony before them relating to said claim, and, in addition, have heard some reliable parol testimony, to wit: Hon. Mr. Erath of the Senate, and Hon. Mr. Hardeman of this House, both of whom were before us, and corroborated the written and well authenticated testimony accompanying the petition of the claimant.

To detail all the facts set forth in the documents which were before us in proof would be to swell this report to an unnecessary size. The testimony was conclusive as to one point, namely, that the Texan army before the battle of San Jacinto, and for sometime after, with the Mexican prisoners, did use and destroy a large amount of beef, and as Mrs. McCormick was the principal, if not the only stock raiser on or near the San Jacinto battle ground, the impression was with the witnesses testifying in this case, that the cattle were hers. Michael McCormick testifies that they were, and were used by order of Gen. Houston, and that he assisted in killing them

for the army. The fact that the beeves used on the occasion of the battle of San Jacinto were the property of Margaret McCormick, or at least a large majority of them, we think is pretty well established. The evidence as to the number of beeves used, or destroyed by the army, is quite indefinite, and your committee, consequently, have been at a loss what amount to allow Mrs. McCormick. They have instructed me, with but one exception, (and he pretermitted any opinion) to say that they regard this as a good and valid claim against the State.

After mature consideration and consultation, they have instructed me to report the bill back to the House, with an amendment, and advise its passage.

Your committee will not venture any opinion as to the constitutional competency of the House to entertain this measure at this time, it having been previously disposed of in connexion with other claims. That is a matter for the decision of the House.

P. W. KITTRELL,

Chairman.

Amend by striking out twenty-two hundred dollars, where it occurs in the bill, and insert two thousand dollars.

Report received.

On motion of Mr. Lee, the rule was suspended and a bill to be entitled an act to authorize and require the Commissioner of Claims to approve certain bounty and donation land certificates therein named, was taken up read second time and ordered to be engrossed; rule further suspended, read third time and passed.

Mr. Harris of Titus, moved to suspend the rule and take up a Senate bill to authorize the sale and settlement of the Public Domain; lost.

On motion of Mr. Kittrell the House bills with Senate amendments were taken up and disposed of as follows, viz :

A bill to purchase a permanent site for the Institution of the Deaf and Dumb, taken up with amendment from the Senate, the House refused to concur in the same.

A bill to provide for the purchase of the Alamo Monument, taken up, and the following Gentlemen appointed as a Committee of Conference on the part of the House, to act with a like committee on the part of the Senate, viz : Messrs. Joseph, Gaston, Aycock, Scott and Higgins.

On motion of Mr. Smith of Orange, the rule was suspended,

and a bill defining an act to amend the 8th section of an act entitled an act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas, by making appropriations for the same, with a substitute proposed by the committee on the Judiciary ; substitute adopted, and ordered to be engrossed ; rule suspended, read third time and passed by a two-thirds vote.

Mr. Chilton, chairman of the committee on Finance, reported, asking to be discharged from the further consideration of a bill to provide books, stationery and furniture for the offices of District and County Clerks and District Surveyors ; report received.

Mr. Bee, chairman of the committee on State Affairs, reported, recommending the passage of a bill to incorporate the Lavaca Insurance Company ; report received.

Mr. Lee, chairman of the committee on the Court of Claims, reported as follows :

COMMITTEE ROOM, }
January — 1858. }

Hon. F. R. LUBBOCK,

President of the Senate, and

Hon. F. M. LOCKE,

Speaker of the House of Representatives.

The joint Select committee to whom was referred the report of the Commissioner of Claims, beg leave to say that they have had under consideration so much of said report as relates to the applications of parties for headrights and other claims to land referred to the Legislature by said Commissioner.

The committee have labored much in the investigation of the claims presented, and they have endeavored to mete out justice to such as have shown themselves entitled to the relief sought. It would extend this report to an unusual length, and make it too voluminous, to give in detail the evidence accompanying each application. They have determined that in cases reported favorably, it will only be necessary to indicate the fact. In many instances the committee have recommended less than parties claim to be entitled to, for the reason that the proof was not deemed sufficient to warrant a different course. In regard to such claims as have been rejected, the committee give only such reasons for their rejection as are thought to be altogether sufficient to justify their action. If injustice has been done to applicants, the cause of such injus-

tice may be traced to imperfect testimony. State demands, like these, should be subject to the most rigid scrutiny. They are of long standing—say, from fifteen to twenty-five years—and ought to have been adjudicated long since.

The committee recommend to favorable consideration the following claims, viz:

The heirs of Benjamin Thomas, a headright of one league and one labor.

The heirs of Fleming and Nancy Scrutchfield, a headright of one league and one labor.

The heirs of James Baker, an unconditional headright certificate of 640 acres.

The heirs of Elizabeth Taylor, a headright of one league and one labor, less 640 acres.

Dugald McLean, a headright of one-third league.

The heirs of John C. Logan, a headright of one-third league, 960 acres bounty and 640 acres donation; (killed at Goliad under Fannin.)

The heirs of Stephen Prather, a headright of one third league.

The heirs of Robert McKinney, a headright of one-third League, 960 acres bounty and 640 acres donation, (killed at the Alamo.)

Josiah Walker, a headright of one league and one labor.

The heirs of William Taylor, a headright of one league and one labor.

The heirs of Abb Luce, Sr., a headright of one league and one labor.

The heirs of John Rouen, an unconditional headright certificate for 640 acres.

The heirs of Benedict Riley, a headright of 640 acres.

David Luce, a headright of one league and one labor.

Anthony Heiman, an unconditional headright certificate for 420 acres.

The heirs of George C. Briscoe, a headright of 640 acres.

William West, an unconditional headright certificate for 320 acres.

Joseph Luce, Sr., a headright of one league and one labor.

Benjamin Stoner, a headright of 640 acres.

J. B. Capel, a headright of one-third league.

Solomon Allbright, augmentation headright of two-thirds of a league and one labor.

The heirs of John O'Brian, a headright of 640 acres.

The heirs of Abb Luce, Jr., a headright of one league and one labor.

The heirs of John McCormick, a headright of 320 acres.

The heirs of Robert R. Rainey, a headright of one-third league.

The heirs of Carmel Ramon, a headright of one league and one labor.

Jackson Smith, a headright of one league and one labor.

Casiano Raminez, a headright of 320 acres.

E. H. Hatch, an unconditional headright certificate for 320 acres.

The heirs of Charles P. Heartt, a headright of one-third league, 960 acres bounty and 640 acres donation, (killed with Fannin at Goliad.)

Clement J. Ward, an unconditional headright certificate for 320 acres.

The heirs of George Dedrick, a headright of one-third of a league, 960 acres bounty and 640 acres donation, (killed with Fannin at Goliad.)

Thomas Peck, a headright of 1280 acres.

The heirs of Benjamin R. Brigham, augmentation headright for 369 acres.

The heirs of Robert McKim, a headright of one league and one labor.

The heirs of Reuben Bebee, a headright of one league and one labor.

George Diester, an unconditional headright certificate for 320 acres.

The heirs of Eliza A. Farris, a headright of one league and one labor.

Pleasant Roland, a headright of 640 acres.

John L. Whitman, a headright of one-third league.

The heirs of William J. Cowan, a headright of one-third league.

Whitmill Bentley, an unconditional headright certificate for 640 acres.

B. F. Childress, a headright of 640 acres.

The heirs of Benjamin C. Wallace, a headright of one-third league, 960 acres bounty and 640 acres donation, (killed at Goliad.)

Addison Sapp, an unconditional headright certificate for 640 acres.

W. A. Warner, 1280 acres bounty.

Joseph Bennett, 320 acres bounty.

Charles Brimingham, an unconditional headright certificate for 640 acres.

The heirs of Alexander G. Perryman, an unconditional headright certificate for 640 acres.

The heirs of Joseph H. Moore, 960 acres bounty.

The heirs of John Brown, (Waco,) one labor.

The heirs of John Bryan, a headright one-third league, 960 acres bounty and 640 acres donation, (killed in service.)

The heirs of William Doran, 640 acres bounty, for dying in the service.

The heirs of A. B. Williams, a headright of one-third league.

The heirs of Thomas Figures, 320 acres bounty.

Caspar Whisler, 1280 acres bounty.

Gustavus Bunson, 960 acres bounty.

J. B. Barton, 320 acres bounty.

Augustus A. Butts, 320 acres bounty.

The heirs of Joseph F. Williams, 320 acres bounty.

Elisha Matther, 320 acres bounty.

David Stilts, 640 acres bounty.

John C. Campbell, 640 acres bounty.

Stephen Cook, 960 acres bounty.

Wesley Coale, 1280 acres bounty.

Daniel Summers 640 acres bounty.

The heirs of Nathaniel Grigsby, 640 acres donation.

Allen Williams, a headright of one league and one labor.

Reuben Deck, headright, 320 acres.

The heirs of William F. Maary, an unconditional headright certificate for 640 acres.

The heirs of William G. Wilson, an unconditional headright certificate for 640 acres.

Connell O'Donnell Kelly, a headright of one league and one labor.

John W. Lockhart, a headright of 320 acres.

The heirs of Martin Moran, a headright of one-third league, 960 acres bounty and 640 acres donation.

William Woodward, a headright of 640 acres.

Robert Willoby, a headright for 320 acres.

Simon Saunders, an unconditional headright certificate for 1280 acres.

Nathaniel Hudson, headright for 320 acres.

P. D. McNeill, 320 acres, bounty.

Andrew J. Price, an unconditional headright certificate for 320 acres.

Mirabeau B. Lamar, 320 acres bounty.

The heirs of Abram Marshall, 320 acres bounty.

The heirs of Willis A. Moore, 960 acres bounty and 640 acres donation.

The heirs of Jefferson A. Barton, 320 acres bounty and 640 acres donation.

The heirs of George Dyer, 960 acres bounty and 640 acres donation.

The heirs of Z. H. Shortt, 960 acres bounty and 640 acres donation.

The heirs of James M. Rose, 960 acres bounty and 640 acres donation.

Franklin Simmons an unconditional headright certificate for 320 acres.

Thomas Hanson, 1280 acres bounty.

Josiah W. Whipple, headright, 320 acres.

The heirs of Robert M. Eastland, an unconditional certificate for 320 acres.

Benjamin Lindsey, 320 acres bounty.

William P. Rutledge, an unconditional certificate for 640 acres.

The heirs of Thomas L. Jones, a headright of 320 acres.

The heirs of William Woolsey, a headright of one league and one labor.

The committee have also carefully examined the following named original headright, bounty and donation certificates, where referred to them by the Commissioner of Claims. The Commissioner did not feel authorized under the law to approve them. The committee, satisfied that they are genuine, herewith report a bill, authorizing the Commissioner to approve them. They are as follows, viz:

Donation Certificate, No. 1094, issued to Manson Sheid, for 640 acres.

Donation Certificate, No. 102, issued to James A. Wills, for 640 acres.

Donation Certificate. No. 355, issued to John Breeding, for 640 acres.

Donation Certificate, No. 354, issued to N. B. Breeding, for 640 acres,

Bounty Certificate, No. 2851, issued to Josiah Wood, by assignee, for 640 acres.

Bounty Certificate, No. 9902, issued to Peter Ryerson, for 320 acres.

Bounty Certificate, No. 9899, issued to W. A. Smith, for 320 acres.

Bounty Certificate, No. 1179, issued to James M. Tuttle, for 320 acres.

Bounty Certificate, No. 736, issued to William Means, for 320 acres.

Bounty Certificate, No. 3892, issued to Joseph Korns, for 320 acres.

Bounty Certificate, No. 7, issued to John F. Miller, for 320 acres.

Bounty Certificate, No. 4147, issued to Robert Montgomery, for 640 acres.

Bounty Certificate, No. 2624, issued to H. Lyon, by assignee, for 320 acres.

Bounty Certificate, No. 1044, issued to Boyd A. Foreman, for 1280 acres.

Bounty Certificate, No. 394, issued to Wm. H. Irvin, by assignee, for 320 acres.

Bounty Certificate, No. 1279, issued to Henry C. Bright, for 1280 acres.

Headright Certificate, No. 47, issued to J. S. Griffith, San Augustine county, 640 acres.

Headright Certificate, No. 30, issued to Edmund Webb, Robertson county, 640 acres.

Headright Certificate, No. 34, issued to Anson F. Moss, Robertson county, 320 acres.

Headright Certificate, No. 8, issued to Robert McCuistion, Robertson county, 1280 acres.

Headright Certificate, No. 44, issued to Laban Meniffee, Robertson county, 1280 acres.

Headright Certificate, No. 40, issued to Thomas Webb, Robertson county, 1280 acres.

Donation Certificate, No. 307, issued to John Cheneworth, for 640 acres.

Headright Certificate, No. 487, issued to Nancy Brantley, Montgomery county, 640 acres.

Headright Certificate, No. 51, Wm. Perry, in Cass county, for 320 acres.

The following claims were then rejected. In most cases the reasons are given—in a few it was not thought necessary, viz:

Heirs of Robert G. Epperson—All that the applicant states may be true, and yet the party is not entitled to headright.

E. A. Merchant, for bounty and donation—No proof that the applicant entered Bexar between the 5th and 10th December, 1835.

Heirs of Benjamin Arnold, for augmentation two-third league and labor—No proof that the wife of Arnold has not obtained a headright.

Francis Ramsdale, for league, for establishing a Ferry on Sabine.

Jonathan Smith, for unconditional certificate—No affidavit of Smith, nor proof of his death.

Alexander Armstrong, for bounty and donation—Proof insufficient.

W. T. Charles, for 640 acres donation—No proof that he entered Bexar between 5th and 10th December, 1835.

Heirs of Patrick Dunn, for headright, one-third league—Dunn died in 1834, and was not entitled to land as a colonist.

Isaac L. Lambright, for headright, league and labor—No proof of residence at the proper time, and affidavit of applicant not on file.

Matthew Gaut, for headright—Did not arrive in Texas until 14th January, 1842.

George W. Brownrigg, for headright, one league—The necessary proof does not accompany the application; the claim is based upon an old title issued after the closing the Land Office.

J. D. Roylan, for league and labor—Proof insufficient; the affidavit of applicant not on file.

Samuel B. Hobbs, for headright—The applicant resided in Santa Fe until 1837, from thence removed to Missouri, where he now resides.

Heirs of Hugh Love, for headright—Love came to Texas after 13th November, 1835, (a single man,) and died before 2d March, 1836.

Joseph J. Henley, for headright, one-third league—Obtained his certificate once, and it seems it was not recommended by Travelling Board; no appeal taken.

Josiah Gilbert, for headright league and labor—Abandoned the country before making application.

W. P. Theobald, for one-third league headright—No proof of residence up to time of making application, or of his death in the country.

John Fisher, for first class headright—He presents an unrecommended certificate ; no other proof ; resides beyond the limits of Texas.

Thomas M. Littlejohn, for headright—After running the boundary line between Texas and the United States, Littlejohn was found to be where he now resides, in Louisiana.

James Cumming, for headright—No proof.

Inez Rene—The applicant obtained first class headright in Powers' & Hewitson's Colony ; found to be in conflict with an older grant.

Heirs of James Jeffries, for headright—Jeffries abandoned the country and died out of it before making application.

John M. Smith, for unconditional certificate—The oath of the applicant not on file ; no proof of his death.

Isaac Foster, for bounty—The applicant already obtained 1280 acres ; all that he is entitled to.

Heirs of Michael P. Kelly, for bounty, donation and pay—No proof that Kelly entered Bexar between 5th and 10th December, 1835, and actually took part in its reduction.

Henry Hawford, for headright, bounty and donation—No proof of service, except the oath of applicant.

Jurgin Swarting, for headright—No sufficient proof ; only one witness.

Parry W. Humphries, for two-thirds of a league and labor—Not entitled to it.

Jeremiah Tracy, for headright, bounty and pay—Obtained bounty and pay ; not entitled to headright.

Hardy Pace, for bounty and pay—Received what he is entitled to.

Robert M. Burton, for headright—No proof.

Lucretia Franklin's headright certificate presented for approval—It appears that this certificate was issued, *nunc pro tunc*, six years after the proof was taken, and by a different board.

Jacob Crawford, assignee of John Bonto, headright certificate presented for approval—Certificate issued to an assignee ; illegal.

Eli Damerall, for headright—The affidavit of applicant not in conformity to law ; made eight years ago ; evidence not sufficient.

John Craig, for league and labor—The same as Damerall in almost every particular.

John Maginnis, for league and labor—Affidavit of witnesses

does not show affirmatively that Maginnis was a married man 2d March, 1836 ; the affidavit of applicant purports to have been made nine years ago ; obtained a title from G. A. Nixon, in 1835.

G. W. Collins, for league—This claim is similar to that of Maginnis ; the Travelling Board refused to recommend his league ; affidavit of applicant made nine years ago.

James S. Burris, for first class headright—No sufficient affidavit made by the applicant ; affidavit dated June 9th, 1849 ; testimony not satisfactory.

Cain T. Brush, bounty certificate for 1280 acres presented for approval—Patent already issued on a like claim to Cain D. Brush, and believed to be the same man.

Heirs of George W. Coffee, for land—No proof.

Washington C. Horn, for headright, one-third league—Obtained his certificate from the board of Jackson county, which it seems was not recommended by the Travelling Board.

John P. Smith, for headright—Smith abandoned the country before making application.

E. B. Russell, for headright, one-third league—Obtained his certificate, and it appears to have been rejected by the Travelling Board.

Heirs of Thomas M. Blake, for 640 acres bounty—already obtained 1280 acres bounty and 640 acres donation ; more than he is entitled to.

Heirs of Levi P. Lockhart, for headright—Lockhart obtained headright of 640 acres and bounty land.

Theodore Kohlhas, for headright one-third league—abandoned the country—not entitled to headright.

James White, for one-third league headright—Same as Kohlhas.

William Rogan, for headright, one-third league—Same as two last named.

Heirs of A. Quigley, for 640 acres bounty—No evidence that Quigley died in the service ; obtained 1280 acres bounty.

Heirs of John Nesbett, for headright, one-third league—No evidence of his death, or that he did not abandon the country.

The heirs of James B. Combs, for 640 acres bounty—Received 1280 acres for service and dying in the service.

John C. Trimwell, one-third league and bounty—Received 640 acres bounty ; no proof death or residence ; not entitled to headright under the proof made.

Wm. P. Moore, for one-third league headright—No evidence that he remained or died in Texas.

James E. Cox, for headright, one-third league—abandoned the country before making application.

Fielding Neill, for headright—No evidence to entitle him to it.

Eli Shriver, for headright—abandoned the country before making application.

Heirs of David Weigart, for headright—Weigart abandoned the country before making application.

Heirs of William H. Sowell, for two-thirds of a league and labor—Not entitled to it.

Heirs of John W. Frith, for league and labor—Frith abandoned the country, and died out of it.

Lewis T. Oliver, for an unconditional certificate—The application was once properly rejected by the county board; the applicant fails to make the oath required by law.

William Brown, for unconditional certificate, 320 acres—Non-resident at date of application.

Isabel Grandison, for unconditional headright certificate—Conditional issued in Harris county; Isabella abandoned the country before making application.

Thomas G. Dunn, for 320 acres, headright—No evidence that Dunn either died or resides in the country.

Jackson Chessser, for unconditional certificate—No evidence that Chessser died or still lives in Texas.

Stephen W. Westbrook, for league and labor—Abandoned the country about the spring of 1836.

Justin Castinia, for headright league and labor—Already received certificate of one-third league; his rights once adjudicated and no appeal taken.

John H. Love, for one-third league headright—Abandoned the country before making application.

L. W. Hancock's bounty certificate, No. 1464, for approval—Said certificate believed not to be genuine.

Joseph Cook, for headright, 640 acres—No proof of present residence or death.

Enoch Grigsby, for bounty and donation—Proof insufficient.

Heirs of Jacob H. Norton, for headright and bounty—Proof not sufficient.

Heirs of Daniel Walker, for bounty.

The following claims, for first class headrights, generally,

are those of Mexicans, resident at Laredo, on the 2d March, 1836, and ever since, or nearly so, viz :

Meguil Dovalina, Adelfonso Reyes, Ascencion Benavides, Isidro Martinez, Jesus Guterrez, Jose M. Ramirez, heirs of Nasano Bela, heirs of Felipe Moreno, Disodora Pena, heirs of Eusibio Silinas, Damaso Ylana, Trinidad Torres, Theodore Galba, Augustin Dovalina, Margarita Sanchez, Eugenio Garza, Francisco Sartuch, Esteven Rodriguez, Refugio Trevana, Maria Rafaela Reyes, Juliana Reta Monte de Human Gertrudes Garcia Cana, heirs of Fernando Garcia, heirs of Matias Martinez, Narciso Gonzales, Maria Josefa Pena, Antonio Charez, heirs of Lazora Cana, Domingo Morengo, heirs of Juan Zapata, heirs of Santa Charro, heirs of Juan Castillo, heirs of Felez Juarez, heirs of Juan Ramos, heirs of Hilario Rodirequez, heirs of Leanardo Sanchez, Florentina Gonzales, Nepomucino Garcia, Refugio Rodriguez, Domingo Dovalino, Viviana Diaz Garcia, Tomaso Benivides, Jesus de Herrera, Refugio Martinez, Onofre Rangel, Susana Escamia, Antonio Chapa, Agapita Galvan, Rafaela Ramirez, Gaudalupe G. de Garcia, Mariquito Guitrans, heirs of Encarnacion Bata, Dorothea Charro, Lucas Elesa, Casimero Guerreras, San Juana Rejoas, Leandro Arcia, heirs of Joaquin Martinez, Francisco Mela, Casimiro Perez, Francisco Tarias, Jose Balderas.

The committee believe that under no equitable or legal view of the law, can they be entitled to headrights as citizens of Texas, because Laredo was, at the Date of the Declaration of Independence, a part of the State of Tamaulipas, and continued under Mexican jurisdiction until 1845—its citizens adhering to the enemy. There may be a few just claims among them, but it is impossible for the committee to discriminate.

The following applications come from Bexar county and vicinity, for headrights, viz :

Eduardo Hernandez, Antonio de la Trinidad Gonzales, Santiago Hernandez, Gil Ximinez, Lenardo Garza, heirs of Eriquez Cerberra, Maria Josefa Medina, Esteven Basquez, Lucas Munaz, Augmentation; Agapita Cervantez, Encarnacion Garcia, augmentation; Francisco Gortenas, Felix Vela; Maria Terresa Bernal, Juan Saiz, Martin Hinojosa, Ignacio Gonzales, Rodrigo Hinojoso, Cecilio Balero, Hernando Gortario, Zeferina Mia, Nicolas Greigo, Jose Maria Nava, Laureano Granado, Juan Ximinez, Meguil de Torre, Andres Diaz, Refugio Garcia, Leandro Rodriguez, Polonio Delgado, Dolores O. Sosa, Mi Flores de la Garcia, Jose Angel Leal, Luis

Fuentez, Jesus Ximines, Juan M. Lombrano, Narsiso Rodriguez, Jose Maria Morales, Clemarte Morala, Jesus Martinez, Maria Antonio F. de Gomez, Alijo Rodriguez, Pablo Perex, Manuel Montalvo, Felix Losoya, Jesus Olivares, Bonito Bontan, Leonardo Gonzales, Navor Olguin, Alijo Villarial, Narciso Gaono, Ijinero Rodriguez, Pedro C. Ximenes, Tomas Laso.

Here, again, the committee find it impossible to discriminate. Some of the foregoing claims may be just. They are, for the most part, applications for first class headrights, and the parties generally were in reach of the courts authorized to grant certificates. They do not show affirmatively that they took part with the people of Texas. We find that already, by the Board of Land Commissioners of Bexar county, about 500 certificates, mostly of the first class, have been issued to Mexican citizens of Bexar. The witnesses, many of them, show that they are swearing to what they could not possibly have known, and appear to have been generally swearing to each others applications. But few of them write; they make their marks, and were probably ignorant of what they were swearing to.

Your committee are proud to know that many of our Mexican citizens did the State good service in the war of our revolution; but they believe that those who did have nearly all long since obtained their lands—and they know that there are many who adhered to the enemy. In the last letter from the Alamo, Travis says:

“The citizens of this Municipality are all our enemies, except those who have joined us heretofore; we have but three Mexicans now in the Fort; those who have not joined us in this extremity should be declared public enemies, and their property should aid in paying the expenses of the war.”

We believe that under the circumstances, where the present applicants have lived for many years within a stone's throw of tribunals open for the granting of headrights, there must be good reason to believe that the parties are not entitled, when they delay their applications to this late day, and then make it before a tribunal much more likely to err than one established at the applicant's door.

The following comprises a list of persons who claim bounty and donation for services at the siege of Bexar, viz:

Clemente Garcia, Justo Travieso, heirs of Juan Casillas, Antonio Balla, Meguil Mata, Juan Jose Arocha, Jesus Gomez, Ciriaco Conte, Pedro Gaona, Juan Ximenes, Carlos Chaco, Francisco Diaz, Domingo Losoya, Mateo Cassillas, Luis

Castano, Gaudelupe Garcia, Marilina de la Garza, Marpel Salinos. Agapito Cervantez.

The parties do not show that they entered Bexar between the 5th and 10th December, 1835, and actually took part in its reduction.

The committee report the two accompanying bills and recommend their passage.

Respectfully submitted.

R. H. GUINN,

Chairman part of Senate.

J. LEE,

Chairman part of House.

Report received and bills read first time.

[Mr. BROWN in the Chair.]

On motion of Mr. Wælder, the rule was suspended, and the following Senate's bills taken up and disposed of, viz :

A bill to be entitled an act to authorize the Governor to appoint an agent for the Alabama and Coshatta Indians ; read first and second times and referred to the committee on Indian Affairs.

A joint resolution in relation to frontier protection ; read first and second times and passed to a third reading ; rule further suspended, read third time and passed.

And a joint resolution relative to the establishment of a weekly overland mail route ; read first and second times and passed to a third reading ; rule further suspended, read third time and passed.

On motion of Mr. Buckley, the rule was suspended, and a bill to amend an act creating the office of Cotton Weigher in Texas taken up ; bill read second time.

Mr. Locke proposed to amend the bill by striking out all that portion which allows two pounds to be deducted from the amount when weighed with an even beam.

On motion of Mr. Powell, the rule was suspended, and the University bill was taken up and made the special order for to-morrow, 7½ o'clock, P. M.

On motion, the House adjourned until 9½ o'clock to-morrow, A. M.

Pending Mr. Locke's amendment to the Cotton Bill.

AUSTIN, January 28th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Buckley, Chairman of the Committee on private Land Claims, reported, recommending the passage of a Senate bill to amend the 1st. section of an act to relinquish to the inhabitants of Ysleta in El Paso county a certain tract of land adjoining the town tract &c., approved, 21st January 1854; report received.

Also, recommended the passage of a Senate bill for the relief of the heirs of Buford Garrett, with the following amendment: strike out Buford wherever it occurs in the bill and insert Bluford; report received.

Also, reported recommending the passage of a Senate bill to relinquish the right of the State to certain lands therein named:

COMMITTEE ROOM, {
January 27th, 1858. }

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the bill from the Senate, to be entitled "An act to relinquish the right of the State to certain lands therein named," have had the same under consideration, and find that one of the Commissioners appointed, under and by virtue of an act of the Legislature, approved 11th February, 1854, to investigate land titles between the Nueces and Rio Grande rivers, reported the titles set forth in the bill, and recommended that they be confirmed. Said report was before the last Legislature, and a bill was passed confirming the titles in question, together with many others, which was vetoed by the Governor, because said bill embraced many other land titles besides those recommended by the Commissioners appointed by virtue of the act aforesaid. In his veto message the Governor stated that he would have approved the bill had it contained no other lands than those favorably recommended by the Commissioners appointed for that purpose.

Since the adjournment of the last Legislature, the report of said Commissioners has not been seen, nor can it be found, notwithstanding the most diligent search has been made for it in every place where such a document should be found.

Although said report has been lost, mislaid, or abstracted from the archives of this House, and no copy thereof was ever made, so far as your committee can ascertain from the evidence before them, they have no doubt, whatever, as to the fact that each and every claim specified in the bill was recommended by Commissioner Charles S. Taylor for confirmation. In addition to these facts, the committee are satisfied that the lands in question have been long occupied by the claimants under an imperfect title, and that they are meritorious claimants.

In consideration of the foregoing facts and circumstances, they instruct me to report the bill back to the House and recommend its passage.

C. W. BUCKLEY,
Chairman.

Report received.

Also, reported a bill for the relief of John Murchison, and recommended its passage ; report received and bill read first time.

Mr. Howerton one of the committee on Counties and County Boundaries, reported as follows :

The committee on Counties and County Boundaries, to whom was referred the petition of 160 citizens of San Augustine county, asking a portion of Shelby county be attached to San Augustine, as also the petition of 35 citizens of Shelby asking the same thing, have considered both petitions and instruct me to report the same back to the House and recommend their rejection and that no further action be taken thereon. The facts are these : Both of the counties of San Augustine and Shelby are considerably less in area than 900 square miles, and to take from the former to add to the latter, the committee deem to be bad policy, especially in the case of those two counties, when the territory is examined. They therefore ask to be discharged from a further consideration of said petitions ; report received.

Mr. Price, by leave withdrew the papers of I. W. Burton.

A bill to be entitled an act to prohibit all chambers of commerce or other associations of merchants in this State from fixing the tare upon cotton, which was pending on adjournment on yesterday was taken up, pending Mr. Locke's amendment and the amendment adopted.

Mr. Buckley offered a substitute for the first section of the original bill.

Mr. Cleveland offered the following amendment to the sub-

stitute: strike out not less than one nor more than three and substitute two.

Mr. McKinney of Travis moved to lay the amendment on the table—lost.

Question recurring on adoption of the same, the House refused to adopt.

Mr. Buckley offered the following amendment to the substitute, viz: Three at the Ports of Houston and Galveston, and one at the other ports named in this act; adopted, and substitute as amended adopted.

Mr. Buckley moved to amend the caption of the bill so as hereafter to read as follows, viz:

A bill to be entitled an act to amend the 1st and 4th sections of an act creating the office of weigher of cotton for certain ports in this State, passed September 1st, 1856, adopted.

On motion of Mr. Henderson of Harris the bill and amendments were referred to a select committee of 5.

The Speaker appointed the following gentlemen on said committee, viz: Messrs Buckley, Joseph, Henderson of Harris, Henderson of Cass, and Doom.

On motion of Mr. Chilton, the Assistant Door-keeper, Mr. T. P. Plasters, was excused from attendance on the House for 8 days.

By leave Mr. Haynes of Starr withdrew the papers of Chas. D. Aiken.

On motion of Mr. Dennis the special order of the day was taken up viz:

The Resolution of the Senate relative to the adjournment of the Legislature *sine die* on the 8th February next.

Mr. Brown moved to strike out 8th and insert 15th February.

Mr. Dennis moved to lay the motion to strike out on the table—carried by the following vote:

YFAS.—Messrs Speaker, Barnard, Bee, Buckley, Burks, Burnett, Chance, Craig, Crook, Dennis, Fisher, Gaston, Hardeman, Hardin, Harris of Titus, Harrison, Hart, Haynes of Washington, Hicks, Joseph, Kirk, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKenney of Hopkins, Merriman, Munson, Navarro, Powell, Price, Rogers, Scott, Shannon, Shelton, Smith of Orange, Tait, Walling, Ward, Waterhouse and Witt—44.

NAYS.—Messrs Bishop, Brown, Chilton, Cleveland, Collier, Cooley, Dalrymple, Doom, Edwards, Evans of Austin, Everett, French, Haynes of Starr, Higgins, Howerton, Jennings, John-

son, Kinney, Latham, Lee, McKinney of Travis, Norton, Poag, Reeves, Rhodes, Roberts, Ross, Smith of Fannin, Wælder and Wood—30.

Mr. Witt, moved the previous question.

On motion of Mr. Jennings a call of the House was ordered.

On motion the Sergeant-at-arms was dispatched after absentees.

Mr. Kinney moved to suspend the call—lost.

Mr. Chilton moved to suspend the call—lost.

Mr. Lesueur moved to suspend the call—lost.

Mr. Joseph moved to suspend the call—carried.

Mr. Chilton moved to postpone the consideration of the Resolution until the 4th day of February.

Mr. Dennis moved to lay the motion to postpone the Resolution on the table, whereupon the yeas and nays were demanded and the House refused to lay on the table by the following vote :

YEAS.—Messrs Speaker, Barnard, Bee, Buckley, Burks, Burnett, Carroll, Chance, Craig, Crook, Dennis, French, Gaston, Hardin, Harris of Guadalupe, Hart, Haynes of Washington, Henderson of Cass, Hicks, Lacy, Lesueur, Lewter, Lloyd, McKenney of Hopkins, Merriman, Munson, Price, Rogers, Scott, Shannon, Shelton, Smith of Orange, Tait, Wælder, Ward, Waterhouse and Witt—38.

NAYS.—Messrs Aycock, Bishop, Brown, Chilton, Cleveland, Clow, Collier, Cooley, Dalrymple, Doom, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Harris of Guadalupe, Haynes of Starr, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kirk, Kittrell, Latham, Lee, McKinney of Travis, Poag, Powell, Reeves, Rhodes, Roberts, Ross, Runnels, Smith of Fannin, Upshaw, Walling and Wood—41.

On motion of Mr. Ward the main question was ordered, which was Mr. Chilton's motion to postpone; the same being put was lost by the following tie vote.

YEAS.—Messrs Aycock, Bishop, Brown, Carroll, Chilton, Cleveland, Clow, Collier, Cooley, Dalrymple, Doom, Edwards, Evans of Austin, Evans of McLennan, Everett, Hall, Harris of Guadalupe, Haynes of Starr, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Navarro, Poag, Powell, Rainey, Reeves, Rhodes, Roberts, Ross, Runnels, Smith of Fannin, Upshaw, Walling and Wood—42.

NAYS.—Messrs Speaker, Barnard, Bee, Buckley, Burks, Burnett, Chance, Crook, Dennis, Fisher, French, Gaston, Hardeman, Hardin, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Hicks, Kirk, Lacy Lesueur, Lewter, Lloyd, McKenney of Hopkins, Merriman, Munson, Murrah, Norton, Price, Rogers, Scott, Shannon, Shelton, Smith of Orange, Tait, Wælder, Ward, Waterhouse and Witt—42.

On motion of Mr. Rainey a call of the House was ordered.

Mr. Munson moved to suspend the call—lost.

Mr. Burnett moved to suspend the call—lost.

Mr. Munson moved to suspend the call—lost.

Mr. Buckley moved to adjourn until 7 o'clock, P. M.—lost.

On motion of Mr. Lacy the House adjourned until, 2½ o'clock P. M.,—pending the consideration of the Resolution to adjourn *sine die*,

2½ O'CLOCK, P. M.

House met—roll called quorum present—Senate resolution to adjourn *sine die* again taken up. On motion of Mr. Jennings, a call of the House was ordered.

On motion of Mr. Lacy, the Sergeant-at-arms was dispatched for absent members.

Mr. Munson moved a suspension of the call—lost.

Mr. Henderson of Harris moved a suspension of the call—lost.

Mr. Witt moved a suspension of the call—lost.

Mr. Carroll moved a suspension of the call—lost.

Mr. Doom moved to adjourn until 7½ o'clock—lost.

Mr. Harris of Titus moved to suspend the call—lost.

The Sergeant-at-arms reported that he was unable to find Messrs. Latham, Poag and Hall.

Mr. Powell moved to adjourn until 9½ o'clock, A. M., tomorrow—lost.

Mr. Burks moved a suspension of the call—lost.

On motion of Mr. Runnels, the House adjourned until 7½ o'clock P. M.,—pending Senate resolution to adjourn *sine die*;

7½ O'CLOCK, P. M.

House met—roll called, quorum present.

Mr. Jennings moved a call of the House, the yeas and nays

were called and a call of the House ordered by the following vote. The Speaker decided that the yeas and nays could be called and placed upon the journal, pending a call of the House.

YEAS.—Messrs. Aycock, Bishop, Brown, Carroll, Chilton, Cleveland, Collier, Cooley, Doom, Edwards, Evans of Austin, Everett, Henderson of Harris, Howerton, Jennings, Johnson, Joseph, Kinney, Latham, Lee, McKinney of Travis, Norton, Poag, Price, Rainey, Reeves, Rhodes, Ross and Wood—28.

NAYS.—Messrs Speaker, Craig, Crook, Dalrymple, Dennis, Gaston, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Hicks, Kirk, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKinney of Hopkins, Merriman, Mills, Munson, Powell, Roberts, Rogers, Scott, Shannon, Shelton, Smith of Fannin, Tait, Wælder, Walling, Ward, Waterhouse, and Witt—46.

Mr. Cooley moved to suspend the call, the yeas and nays having been demanded the same were called and stood thus :

YEAS.—Messrs Speaker, Barnard, Bee, Buckley, Burks, Burnett, Chance, Clow, Craig, Crook, Dennis, Edwards Gaston, Hardeman, Hardin, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Hicks, Johnson, Kirk, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKenney of Hopkins, Merriman, Mills, Munson, Murrah, Poag, Powell, Roberts, Rogers, Scott, Shannon, Shelton, Tait, Wælder, Walling, Ward, Waterhouse and Witt—48.

NAYS.—Messrs. Aycock, Bishop, Brown, Carroll, Chilton, Cleveland, Collier, Cooley, Dalrymple, Doom, Evans of Austin, Evans of McLennan, Everett, Hall, Henderson of Harris, Higgins, Howerton, Jennings, Joseph, Kinney, Latham, Lee, McKinney of Travis, Navarro, Norton, Price, Rainey, Reeves, Rhodes, Ross, Smith of Fannin, Upshaw and Wood—33.

Mr. Carroll moved a suspension of the call.

The yeas and nays were called, and stood 60 yeas, 21 nays.

The House refused to suspend the call.

Mr. Lacy moved to adjourn until 9 o'clock A. M., to-morrow ; lost.

Mr. Runnels moved to excuse the absentees.

Mr. Bee made the following point of order, viz : that a motion to excuse absentees, without a valid excuse or authority from them so to do, could not be entertained.

The Speaker decided that such a motion was in order, and put the question, which was lost.

Mr. Kinney moved to adjourn until 9 o'clock, to-morrow; lost by a vote of 25 yeas to 55 nays.

[Mr. HENDERSON of Harris in the Chair.]

Mr. Wood moved a suspension of the call; the yeas and nays were called for; the Speaker decided the call for the yeas and nays out of order.

Mr. Poag appealed from the decision of the Chair, and the Chair was sustained by the House; and Mr. Wood's motion to suspend the call was put, and the House refused to suspend the call.

Mr. Kinney moved to excuse the absentees.

The Speaker decided the motion out of order, stating that no motion could be entertained pending a call of the House, except a motion to adjourn or to suspend the call.

Mr. Kinney appealed from the decision.

The question upon the appeal was put and the House sustained the Chair.

On motion the call was suspended.

A message was received from the Senate, through R. T. Brownrigg, 1st Assistant Secretary, announcing the passage of the following bills originating in that body:

A bill to incorporate the Guadalupe Bridge Company.

A bill for the relief of the heirs of James Lastly, deceased.

A bill to incorporate the Corpus Christi Academy.

A bill to incorporate the Marcelina Mill Manufactory and Bridge Company.

A bill to create Chambers county.

A bill for the relief of the County Surveyor of Parker county.

A bill for the relief of Thomas Powell.

And a House bill to prescribe the times of holding the District Courts of the 5th Judicial District.

Also, that the Resolution of the Senate, which was transmitted to the House several days since, relative to the adjournment of the Legislature, should read:

Resolved, (The House concurring,) the two Houses of the present Legislature will adjourn, *sine die*, on Monday, Feb. 8th, 1858, at 10 o'clock A. M.

The omission of the hour of adjournment being an error of my own.

The Senate refused to recede from its amendments to a

House bill to purchase a site for the permanent location of the Institution for the education of the Deaf and Dumb ; has appointed Messrs. Caldwell, Taylor of Fannin, and Potter, a committee of conference, and requests the appointment of a like committee on the part of the House.

Also, that the Senate had passed a substitute for two House bills, viz :

A bill to amend the charter of the Houston and Texas Central Railroad Company.

And a bill for the relief of the Houston and Texas Central Railroad Company.

And that the Senate had adopted the report of the committee of conference on the bill to amend the act incorporating the Memphis, El Paso and Pacific Railroad Company.

Mr. Witt, by leave, withdrew the motion for the previous question.

Mr. Chilton moved to strike out the "8th," and insert the "16th Feb., at 10½ o'clock A. M.;" carried by the following vote :

YEAS—Messrs. Aycock, Bishop, Brown, Carroll, Chilton, Cleveland, Collier, Cooley, Dalrymple, Doom, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Harris of Guadalupe, Haynes of Starr, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Lacy, Latham, Lee, Lesueur, McKinney of Travis, Mills, Navarro, Norton, Poag, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Ross, Runnels, Shelton, Smith of Fannin, Upshaw, Walling, Witt and Wood—49.

NAYS—Messrs. Speaker, Barnard, Bee, Buckley, Burks, Burnett, Chance, Clow, Craig, Crook, Dennis, French, Gaston, Hardemen, Hardin, Harris of Titus, Harrison, Henderson of Cass, Hicks, Kirk, Lloyd, McKinney of Hopkins, Merriman, Munson, Murrah, Rogers, Scott, Shannon, Tait, Wælder, Ward and Waterhouse—32.

Mr. Witt moved to reconsider the vote last taken.

Mr. Ward moved to adjourn until 9½ o'clock A. M. to-morrow ; lost.

Mr. Rainey moved to lay the vote to reconsider on the table.

Mr. Ward moved to adjourn until 9 o'clock A. M. to-morrow ; lost.

Mr. Witt moved a call of the House ; lost.

The question then recurring on Mr. Rainey's motion to lay

the motion to reconsider on the table, the same was put, and the motion was laid on the table.

Question then recurring on the adoption of the Resolution as amended, the same was put and Resolution adopted.

On motion the House adjourned until 9½ o'clock A. M. tomorrow.

AUSTIN, January 29th, 1858.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

The Speaker announced Messrs. Kittrell, Murrah and McKinney of Travis, a committee of Conference on the Senate amendments to a House bill to purchase a site for the permanent location of the Institution for the instruction of the Deaf and Dumb.

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined and report correctly Engrossed, viz :

A bill to be entitled an act to authorize and require the Commissioner of Claims to approve certain Bounty and Donation Land Certificates therein named, and also a bill to be entitled an act declaring the intent, meaning and true construction of the 8th Section of an act to encourage the improvement of the Navigation of the Rivers and other navigable waters in Texas by making appropriations for the same, and supplemental thereto.

THO. J. JOHNSON,

One of the committee.

And also, a bill to be entitled an act amendatory of the laws to raise revenue by taxation.

THO. J. JOHNSON,

One of the committee.

Also a bill to amend an act supplemental to and amendatory of an act to adopt and establish a Penal Code for the State of Texas, approved August 28th, 1856 ; report accepted.

On motion of Mr. Henderson of Harris, the rule was suspended and a Senate's substitute for two House bills, one to amend the Charter, the other for the relief of the Houston and Texas Central Railroad Company, taken up, substitute adopted ; read first and second times.

Mr. Bishop offered the following amendments :

Sec. 4. That said Company shall within 12 months from the passage of this act, definitely define the counties through which their road is to run striking the Trinity river in the county of Dallas, and Red River within 15 miles of the town of Preston.

Amend third sec. by striking out all in the 8th line after the word Texas.

Amend : That this act take effect and be in force from and after its passage ; amendments adopted, and bill passed to a third reading, rule further suspended, bill read third time and passed.

Mr. Waterhouse, one of the committee on Enrolled Bills, reported correctly Enrolled, properly signed and presented for Executive approval,

A bill making an appropriation for the payment of certain claims therein named.

A Joint Resolution.

A bill for the better protection of the Frontier, and

A Joint Resolution to procure the erection of Post Offices and Court Houses for the use of U. S. District Courts.

Report accepted.

Mr. Roberts presented the petition of sundry citizens of Panola and Shelby counties ; referred to committee on Counties and County Boundaries.

Mr. Brown, Chairman of committee on Counties and County Boundaries, reported as follows on the petition of sundry citizens of Austin county :

COMMITTEE ROOM, }
Austin, January 28th, 1858. }

Hon. F. M. LOCKE,

Speaker of the House of Representatives :

The committee on Counties and County Boundaries, have considered sundry petitions, asking the creation of a new county on the east side of the Brazos river, to be composed of portions of Austin, Grimes and Harris counties. There were also referred to the committee numerous protests on the part of the people of the counties proposed to be dismembered. So far as the citizens of Austin county, east of the Brazos, are concerned, a strong case of necessity is made out. Yet not more so than exists in many of the old counties of the State, as is the case in Brazoria, Matagorda, Polk, Wharton, Fort Bend and others lapping across the rivers of the State.

To accomplish the object it is also asked that a portion of the territory of Austin be added to Washington, a part of Fayette and Colorado to Austin, changes not desired by those directly interested. The county of Grimes contains 962 square miles, Austin 1024, and Harris 1832. But while Harris possesses such an excess, being equal to two counties of the constitutional area, that portion that would fall in the proposed county, is but a barren, sandy prairie, while the parts to be taken from Austin and Grimes would contain all the population of which the territory is susceptible, at least, very nearly so. The creation of the county would take fully one-third of the territory of Austin county, and reduce it to about 680 square miles. Grimes has an excess of but 62 square miles and is unwilling to yield any portion of it for the proposed object. Were the territory of Harris county referred to, adapted to settlement, a county might well be established, with boundaries approximating those now desired. The facts, as they exist, only go to prove that in establishing counties heretofore, too little regard has been had to the ultimate convenience of the people to be affected thereby.

After investigating all the facts in the case, the committee instruct me to report adversely to the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

As this is, doubtless, one of the last cases that will be before the committee, and in view of the fact that the Legislature is so often petitioned to establish counties of a less area than 900 square miles, or to reduce existing counties below that area, under the belief that by a two-thirds vote the Legislature may do either, it becomes important to understand what the constitution provides upon the subject. The only clause in relation to the matter, is the 34th Section of the 7th Article of the Constitution. The first clause of the Section grants the power to create *new* counties, and then adds :

“Provided, That no *new* county shall be established which shall reduce the county or counties, or either of them, from which it shall be taken to a less area than nine hundred square miles, (except the county of Bowie,) unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents.”

It is believed that this proviso has been erroneously construed. Very few believe that under it a county can be created of a less area than 900 square miles, by a two-thirds vote or otherwise ;

but many have held that any existing county, by such a vote, could be reduced below that size. To this it has been answered that such a construction involved the legal absurdity of doing indirectly that which the Legislature could not do directly ; or, in other words, that one Legislature might establish two or more adjoining counties of 900 square miles each, and at the next session carve out of their limits a new county of the full size, by applying the two-third rule in reducing the counties thus previously established. This presents a grave difficulty in harmonizing that view of the subject—indeed, it is irreconcilable with the recognised rules of construction.

In offering a solution of the difficulty, (one that ought to be definitely settled, from its relation to so many communities in our State,) the individual opinions of the undersigned, are entitled to no weight with those learned in the law ; but in stating them as the views of others who are so learned and from whom they were adopted, they should be entitled to fair consideration. It is believed, then, the power to *reduce*, as conferred by the clause of the Constitution quoted, is restricted to those counties existing at the time of the formation of the Constitution ; and that all counties created subsequently are *new* counties, in the sense in which the term "*new*" is used in that clause. If this construction be correct all the difficulties in interpreting the proviso disappear.

Slight reflection will show many reasons—among them a desire to protect old county seats against encroachments—why the framers of the Constitution so understood and so intended in adopting the clause referred to. Sound policy would also be consulted in enforcing its application in a State so large as Texas, where all counties should be of respectable territorial dimensions. The position assumed in this report is strengthened, if not rendered conclusive, from the fact that the Constitution of the Republic, adopted when there were but 12 or 14 counties in our limits absolutely inhibited ; the establishment of new counties of less area than 900 square miles, without any allusion to the limits of the then existing counties. The inference seems to be irresistible that the framers of the State Constitution intended to continue the same general policy ; but added a provision to reach the old counties, to-wit : That under some circumstances, (as their settlement, boundaries and towns had been established without regard to uniformity of size or distance,) the Legislature might by a two-thirds vote, reduce them below the uniform standard required

or subsequent counties. If these positions are tenable, it should be so understood, and for this reason they are here offered for the consideration of all interested.

JNO. HENRY BROWN,
Chairman.

Report received.

Mr. Joseph, Chairman of a special committee, reported as follows :

TO THE HON. F. R. LUBBOCK,
President of the Senate, and
Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee of Conference, appointed to take into consideration the amendments proposed by the Senate to a bill originating in the House, for the purchase of the Alamo Monument, have conferred upon the same, and instruct me to make the following report :

That the committee are unable to determine certainly whether or not the sculptor who executed said work has surviving him any widow or children. But if there be such, your committee are of the opinion that they are proper recipients of the one thousand dollars provided by the House bill to be paid to them.

If on the other hand, said sculptor left no widow or children, no injury by such appropriation of said amount, can accrue to the State, as the same cannot be paid out by said bill, and will remain in the Treasury of the State.

A majority of the committee, therefore, instruct me to report recommending that the Senate recede from its amendments.

(Signed)

J. RUSSELL,
Chairman Senate Committee.

THO. M. JOSEPH,
Chairman House Committee.

Report received.

Mr. Jennings, Chairman of Select committee, submitted the following report :

TO THE HON. F. R. LUBBOCK,
President of the Senate, and
Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee of Conference, to whom was referred the matter of disagreement between the Senate and House, on the

bills for locating the county seat of Angelina county, have considered the facts in the case and instruct me to report the accompanying substitute for both bills referred to them, and recommend its passage.

J. N. FALL,

Chairman Senate Committee.

THOS. J. JENNINGS,

Chairman House Committee.

Report received.

Mr. Harrison, by leave, withdrew the papers and petition of John Jamison.

Mr. Ward, one of committee on Enrolled Bills, reported as follows :

TO THE HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Enrolled Bills, to whom was referred the following acts, to-wit :

A Joint Resolution to establish a weekly overland Mail Route.

A Joint Resolution allowing leave of absence to W. S. Todd, Judge 8th Judicial District.

A Joint Resolution in relation to frontier protection, and

An act concerning writs of *certiorari* from Justice Courts, have examined the same and find them correctly Enrolled, properly signed and have presented the same to the Governor for his approval.

WARD,

Chairman Committee.

Report accepted.

BILLS AND RESOLUTIONS.

Mr. Roberts introduced a bill to authorize the County Court of Shelby county to levy a special tax ; read first and second times.

Mr. Roberts moved to suspend rule and take up the bill—lost, and bill referred to committee on State Affairs.

Mr. Howerton offered the following resolution :

Resolved, That all petitions, bills and resolutions of a local or private character presented to or introduced into this House, from and after this date, shall lie upon the table without reference to a committee, until all business now on the Speaker's table is disposed of.

Laid on the table one day for consideration.

Mr. Burks introduced a bill to authorize the County Court

of Red River county to have certain records transcribed ; read first time.

Mr. Hicks, one of the Judiciary committee, reported a bill for the relief of Catharine R. S. Jones, and recommended its passage ; report received and bill read first time.

Mr. Price gave notice that he would submit a minority report on the same petition.

ORDERS OF THE DAY.

A resolution to change the rules of the House, taken up, and on motion of Mr. Evans of McLennan, laid on the table.

A resolution relative to the reception of new business, taken up, and on motion, laid on the table.

The following House bills with Senate amendments, were taken up, and amendments concurred in :

A bill to incorporate the Houston Insurance Company.

A bill to incorporate the Union Hill High School.

A bill to incorporate the Beneficiary Association of San Antonio, and a bill to incorporate the New Braunfels Academy.

A message was received from the Senate announcing the passage of the following bills :

A bill to extend the time for letting the contract for the improvement of Galveston and St. Louis Bay, &c.

A bill to provide for the time of holding the Courts of the several counties in the 4th Judicial District.

A bill for the relief of Jacob Wilcox.

A bill to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane.

A House bill for the relief of J. H. Shepherd, with an amendment.

The Senate concurs in the amendments of the House to a bill to define the time of holding Courts in the 12th Judicial District, and that the Senate had refused to agree to the House amendment to a Senate bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company.

On motion of Mr. Hicks, the House proceeded to take up bills of a private nature, under the rule, as numbered as follows :

A bill for the relief of Chas. Shepard, taken up.

Mr. McKinney of Travis, moved to amend as follows :

“Section 2. That before the said Charles Shepard shall be entitled to receive the benefits contemplated by this act, he shall file a full and final release of all claims against the late

Republic or State of Texas, and especially all claims to land under the provisions of an act making provisions for persons who have been permanently disabled in the service of Texas, passed 18th December, 1837 ;" adopted, and bill ordered to be engrossed ; rule suspended, read third time and passed by a two-third vote.

A bill to incorporate the Madison Lodge, No. 126, of Masons, taken up, and Mr. Smith of Orange, by leave, withdrew the report and bill.

A bill for the relief of J. B. and D. R. Wortham, taken up, read and ordered to be engrossed ; rule suspended, read third time and passed.

A bill for the relief of Jas. A. Yeomans, taken up, and ordered to be engrossed ; rule suspended, read third time and passed.

A bill for the relief of Nathan G. Allen, taken up and House refused to engross by a vote of 18 yeas to 48 nays.

A Senate bill for the relief of Mandred Wood, or his assignees, taken up ; passed to a third reading ; rule suspended, read third time and passed.

A bill granting a pension to Juana Navarro Alsberry, taken up.

Mr. Murrah moved to recommit the bill—lost, and bill ordered to be engrossed.

Mr. Bee, Chairman of the committee on State Affairs, by leave, withdrew the report on said claim, for the purpose of amending the same.

A Senate bill for the relief of Jas. Starrett, taken up. Mr. Jennings offered the following proviso, viz :

" Provided, The said surveys do not conflict with older legal surveys and are correct ;" adopted.

Mr. Evans of McLennan, moved to lay the bill on the table—lost, and bill passed to a third reading ; rule suspended, read third time and passed.

A bill for the relief of the heirs of Jno. B. Fox, with report of committee on Private Land Claims, recommending a substitute, taken up ; substitute adopted, and bill ordered to be engrossed ; rule suspended, read third time and passed.

Mr. Reeves moved to suspend the rule for the purpose of introducing a bill—lost, and

A bill for the relief of Jeremiah Fisher, taken up.

On motion of Mr. Hicks, the House adjourned until 3 o'clock, P. M.—Pending the reading of a bill for the relief of Jeremiah Fisher.

3 O'CLOCK. P. M.

House met—roll called—quorum present.

Bill for the relief of Jeremiah Fisher, taken up, read second time, and on motion of Mr. Hardin, indefinitely postponed.

Mr. Wælder moved to suspend the rule and take up a bill to prescribe the time of holding the Courts in the 4th Judicial District—lost.

Mr. Reeves asked leave to introduce a bill—lost.

Mr. Smith of Fannin, moved to suspend the rule in order to take a Joint Resolution for the relief of the heirs of Dan'l. Rowlett—lost.

Mr. McKinney of Travis, moved to reconsider the vote refusing to suspend the rule, to take up the 4th Judicial District bill ; motion withdrawn.

A bill for the relief of Thos. Cochran, taken up ; read second time.

Mr. Buckley proposed to amend as follows : Insert in proviso after Texas, for military services of said Cochran, from 29th February, 1836, to May 29th, 1836—adopted, and bill ordered to be engrossed. Mr. Buckley moved suspend rule—carried, bill read third time and passed.

A bill for the relief of Helena Eggling, taken up, read 2d time and passed to third reading ; rule suspended, read third time and passed.

A bill for the relief of Elizabeth Rice, taken up, read second time, and ordered to be engrossed ; rule further suspended, bill read third time and passed.

A bill to incorporate the Navasota Bridge and Turnpike Company ; read second time. Mr. Witt proposed to amend 1st sec. by inserting " of the State of Texas," after Legislature—carried.

Mr. Harrison proposed to amend 3d sec. by striking out 5 years and insert 3 years.

Mr. Jennings offered the following amendment : Strike out the clause which prohibits the erection of any other Bridge across the same river ; laid on the table,

Mr. Shannon proposed to strike out 5 cts. a head for loose stock and insert $3\frac{1}{2}$ cts ; laid on the table, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed by a two-third vote.

A bill to change the name of the town of Hamilton in Burnett county to that of Burnett ; read second time.

Mr. Brown offered a substitute for the bill—adopted, and ordered to be engrossed ; rule further suspended, read third time and passed.

A message was received from the Senate announcing the passage by that body, of the following bills :

A bill for the relief of Joseph E. Field.

A bill for the relief of Alex. McGowan, and

A bill to incorporate the San Antonio Water Company.

A bill for the relief of Robert J. Colder, taken up ; read second time and ordered to be engrossed ; rule further suspended bill read third time and passed.

A bill to incorporate the Nueces Bridge and Turnpike Company, taken up, read second time.

Mr. Kinney proposed to strike out 30 feet and insert 100 feet in second sec.—adopted, and bill ordered to be engrossed ; rule further suspended, read third time and passed by a two-third vote.

A bill for the relief of John Archer, taken up ; read.

Mr. Chilton proposed to amend as follows :

Provided, The provisions of this bill appropriating money shall not extend beyond the period of two years ; adopted, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed by a two-third vote.

A bill for the relief of the heirs of Isidro Gutierrez, taken up ; read, and Mr. Bee, offered the following amendment :

Provided, That nothing herein contained shall be construed to interfere with the rights of third parties which may have accrued prior to the passage of this act ; adopted.

Mr. Harris of Titus, moved to adjourn until 7 o'clock ; lost

Mr. Lacy moved to adjourn until 9 o'clock, to-morrow, A. M.—lost, and bill ordered to be engrossed ; rule further suspended, bill read third time, the yeas and nays were called on the final passage of the bill, and stood thus :

YEAS—Messrs. Barnard, Bee, Bishop, Buckley, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crook, Doom, Edwards, Fisher, French, Gaston, Harris of Guadalupe, Haynes of Star, Haynes of Washington, Henderson of Harris, Joseph, Kittrell, Latham, Lee, Leseuer, Merriman, Mills, Munson, Powell, Reeves, Ross, Runnels, Shannon, Smith of Orange, Tait, Upshaw, Wælder, Walling and Wood—39.

NAYS—Messrs. Speaker, Aycock, Burks, Burnett, Carroll, Evans of McLennan, Everett, Harris of Titus, Harrison, Hart, Henderson of Cass, Higgins, Jennings, Johnson, Lacy, Lewter,

Lloyd, McKenney of Hopkins, Norton, Poag, Roberts, Shelton, Smith of Fannin, and Waterhouse—24.

So the bill passed.

A message was received from the Senate, announcing that the Senate had concurred in the House amendments to a Senate bill for the relief of James Starritt, and had concurred in the 1st, 2d and 3d amendments, and refused to agree to the 4th amendment of the House to a Senate bill to ascertain what land certificates have been illegally issued by the County Courts of counties in Peter's Colony, and to provide for issuing patents on such of said certificates as are legal.

On motion, the House adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

House met—roll called—quorum present.

A bill to locate the county seat of Llano county, taken up, and, on motion of Mr. Brown, laid on the table.

A bill to create the county of Zapata, taken up, and passed over.

A message was received from the Senate requesting the withdrawal from the House, a Senate bill reported to the House to-day, for the relief of Jacob Wilcox ; leave granted and bill withdrawn.

A bill for the relief of John Reed, taken up ; read second time, and ordered to be engrossed by a vote of 40 yeas to 34 nays ; rule further suspended, read third time and passed.

A bill for the relief of the heirs of Peter M. Mercer, taken up ; read second time and bill ordered to be engrossed ; rule further suspended, read third time and passed.

A bill to incorporate the Tennessee Colony Masonic Institute, taken up ; read second time, and Mr. Rainey offered a substitute for the 9th section ; adopted, and bill ordered to be engrossed ; rule suspended, read third time and passed by a two-third vote.

A bill for the relief of Elijah Moore, taken up ; read second time, and ordered to be engrossed ; rule further suspended, read third time and passed.

A message was received from the Senate announcing the passage of the following bills, originating in the House, viz :

An act to authorize and require the Commissioner of Claims to approve certain Bounty and donation land certificates therein named, and

A bill to create the counties of Wichita, Concho, Coleman, Zavalla, Frio, McMullin, Shackelford, Dawson, Eastland, Baylor, Dummit, Callahan, Runnels, Taylor, Jones, Haskell, Knox, Hardeman, Lasalle, Encinal and Duval.

A bill to relinquish the State tax to certain counties therein named, for the years 1858 and 1859, taken up ; read third time.

Mr. Henderson of Cass, moved to add "Cass and Titus counties"—laid on table.

Mr. Price moved to amend as follows "Provided said counties shall give bond and security for the erection of said public buildings within the next two years.

Mr. Chilton moved to lay the amendment on the table—carried.

Mr. Price offered the following amendment : That all the taxes be likewise relinquished to all the new counties now organized and created by this present Legislature and that of 1856—laid on the table.

Mr. Witt moved to amend by adding the counties of Parker, Johnson, Witt, Jack, Buchanan, Clay and Burnett.

On motion of Mr. Chilton, laid on the table by a vote of 53 yeas to 21 nays.

Question recurring upon the final passage of the bill, the yeas and nays were called, and the bill passed by the following vote :

YEAS—Messrs. Barnard, Bee, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Cooly, Dennis, Doom, Edwards, Fisher, French, Hall, Hardin, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Jennings, Joseph, Kinney, Kirk, Kittrell, Lacy, Latham, Lesueur, Merriman, Mills, Munson, Navarro, Norton, Poag, Powell, Rainey, Ross, Runnels, Scott, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, and Walling—47.

NAYS—Messrs. Speaker, Bishop, Burks, Burnett, Collier, Craig, Crook, Dalrymple, Evans of McLennan, Everett, Gaston, Hardin, Harris of Titus, Harrison, Hart, Henderson of Cass, Hicks, Johnson, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Price, Reeves, Roberts, Shelton, Ward, Waterhouse, Witt and Wood—30.

A bill supplementary to an act to incorporate the town of Madison, taken up.

Mr. Harris of Titus, moved to adjourn until 9½ o'clock, A. M., to-morrow—lost.

Question recurring upon engrossment of the bill. Mr. Brown, offered the following amendment, which was adopted : Insert in caption, the town of Orange, (heretofore known as the town of Madison,) strike out Madison wherever it occurs in the bill and insert Orange, heretofore known as Madison. And bill ordered to be engrossed ; rule suspended, bill read third time and passed by a vote of 64 yeas to 1 nay.

Mr. Craig moved to adjourn until 9 o'clock—lost.

A bill to incorporate the Texas Baptist Publication Society, taken up, with report from committee on State Affairs, recommending an amendment ; amendment adopted, bill read and passed to a third reading ; rule further suspended, bill read third time and passed by a two-third vote.

A bill to incorporate the Philosophian Society of Chappel Hill College, taken up, read and ordered to be engrossed ; rule further suspended, bill read third time and passed by a two-third vote.

On motion, the House adjourned until 9 o'clock, A. M. tomorrow.

AUSTIN, January 30th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted

On motion of Mr. Walling, Mr. Hardeman was excused from attendance on the House for four days.

On motion of Mr. Mills, Mr. Rhodes was excused from attendance on the House on account of sickness.

On motion of Mr. Kittrell, Robt. Cotter, Messenger, was excused from attendance on the House for to-day.

PETITIONS.

Mr. Price presented the petition of the heirs of James Bradley ; referred to committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Jennings, chairman of Judiciary committee, reported, recommending the passage of a Senate bill to remove the disabilities of minority from John B. Stewart and John T. Pierce, and to declare them of lawful age, with the following amendment :

Insert the names of Charles L. Rogers, Albert A. Jordan, Albert H. Brantley and James Masterson.

Report received.

Mr. Murrah moved to suspend the rule and take up the bill and report ; lost.

Mr. Buckley, chairman of committee on Private Land Claims, reported, recommending the passage of a Senate bill for the relief of D. M. Symond's heirs ; report received.

Also reported, recommending the reference of a Senate bill for the relief of Hannah Alexander, to the committee on the Court of Claims ; report received.

On motion of Mr. Buckley, the rule was suspended, report taken up, adopted, and bill referred as asked.

Mr. Waterhouse, one of committee on Enrolled Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills and resolutions, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature :

An act for the relief of certain purchasers of Austin city and out lots.

An act defining the time of holding the District Courts in the fourth Judicial District.

An act amendatory of an act to locate the seat of justice of Kaufman county, approved December 2d, 1850 ; and

An act to provide for the erection of public buildings in Kaufman county, approved December 13th, 1851.

An act supplemental to an act to create the nineteenth Judicial District of the State of Texas, to regulate the holding of terms of the District Courts in said District, and providing for the election of a District Judge and District Attorney in said District, and for the trial of certain causes in said District, approved December 19th, 1857.

An act to provide for transcribing county records.

Joint resolution, instructing the Senators and requesting the Representatives of Texas in Congress, to procure such action on the part of the United States as will cause the Indians in Texas, West of the Pecos River, to be collected upon the Reserve provided for them.

An act for the relief of Benjamin F. Terry.

An act to prescribe the time of holding the District Courts of the fifth Judicial District.

An act supplementary to an act entitled an act to provide

for the investment of the Special School Fund in the bonds of Railroad companies incorporated by the State, approved August 13th, 1856.

An act to be entitled an act for the relief of the Houston and Texas Central Railway company.

An act to be entitled an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad company, approved 4th February, 1856, and also the act supplemental thereto, approved 5th February, 1856.

An act to be entitled an act defining the time of holding the District Court in the 12th Judicial District.

An act to be entitled an act for the relief of James Starritt.

RICHARD WATERHOUSE,

One of the Committee.

30th January, 1858.

Report accepted.

Mr. Buckley, chairman of a Select committee, reported as follows :

Hon. M. F. LOCKE,

Speaker House of Representatives :

The Select committee, to whom was referred a bill to amend the 4th section of an act creating the office of Cotton Weigher for certain ports in this State, passed September 1st, 1856, together with the amendments of the House thereto, have had the same under consideration, and a majority of the committee instruct me to report the accompanying substitute and recommend its passage. Report received.

Mr. Ross, one of the committee on Private Land Claims, reported, recommending the passage of a bill for the relief of V. R. B. Gray ; report received.

Mr. Kittrell, chairman of a committee of Conference, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The committee of Conference on the part of the two houses, to take into consideration the disagreement between the same, concerning certain amendments made by the Senate to the House bill providing for a permanent site for the institution of the Deaf and Dumb, have met and examined the same, and have instructed me to say that we have unanimously agreed to fall the Senate's amendments to said bill, except that which

relates to the present site of said institution. They have thought it best to strike from the bill all that relates to the purchase of the present site of the school. And they ask to be considered a committee of free conference in making such alterations in the bill, and the sanction of this House to the same. Report received.

BILLS AND RESOLUTIONS.

Mr. Reeves introduced a bill to authorize the Commissioner of the Court of Claims to approve headright certificate No. 42, issued by the Board of Land Commissioners of Robertson county, on the 9th October, 1841, to the heirs of Robert Thompson; read first and second times and referred to a Select committee of five, consisting of Messrs. Reeves, Craig, Haynes of Washington, Merriman and Roberts.

Mr. Norton introduced a bill to incorporate Athens College; read first and second times and referred to the committee on Education.

Mr. Navarro introduced a bill supplemental to an act to exempt certain property therein named from execution, passed January 26, 1839; read first and second times and referred to Judiciary committee.

A bill for the relief of the heirs of George Robertson taken up, and on motion of Mr. Price, made the special order for 3 o'clock, P. M.

Mr. Brown presented a remonstrance from sundry citizens of Galveston; referred to committee on State Affairs.

A bill to incorporate the Freestone School Association, taken up, and substituted, and ordered to be engrossed; rule suspended, read third time and passed by a two-thirds vote.

A bill for the relief of George R. Rains taken up; read and passed to a third reading; rule suspended, read third time and passed.

A bill for the relief of Harvey Trotter taken up; read and passed to a third reading; rule suspended, read third time and passed.

A bill for the relief of James G. Collier, assignee of Joshua Collins; read and laid on the table.

A bill for the relief of the heirs of Stephen Prather, Jr. dec'd; read and laid on the table.

A bill for the relief of the heirs of Frederick Heneger, dec'd, or their assignee; read and ordered to be engrossed; rule further suspended, bill read third time and passed.

A message was received from the Senate, announcing the passage of the following Senate bills :

A bill to legalize surveys in the disputed territory between Milam and Bexar Land Districts ;

A bill to authorize and require the Governor and Comptroller to contract for re-modeling the Capitol and Old Land Office ; and

A House bill supplemental to and amendatory of an act providing for the support of schools, approved 29th August, A. D. 1856, with an amendment.

A bill to extend the time for locating and returning to the General Land Office certificate No. 70, issued to the Buffalo Bayou, Brazos and Colorado Valley Railroad Company, and other certificates hereinafter mentioned, taken up and read.

Mr. Buckley proposed to amend by striking out the word "Valley" wherever it occurred in the bill.

Adopted, and bill passed to a third reading ; rule suspended, bill read third time and passed.

A bill for the relief of Wm. H. Jones taken up ; read and ordered to be engrossed ; rule suspended, read third time and passed.

A bill for the relief of Nancy Coleman and others taken up ; read, and the House refused to suspend the rule in order to read the bill a third time.

A message was received from the Senate, announcing that the Senate had passed—

A bill to repeal the act of 28th January, 1856, to authorize and require the county court of Brazoria county to establish, discontinue, and regulate public and private roads in said county, and to cause public roads and bridges to be constructed and kept in good repair, and the act supplementary and amendatory thereto, approved August 11th, 1856 ;

And an act supplemental to an act to provide for the incorporation of towns and cities ;

And that the Senate had adopted the report of the Conference committee on a bill to provide a permanent location for the institution for the instruction of the deaf and dumb.

A bill to authorize a change of certificates in certain cases, taken up, read and ordered to be engrossed ; rule suspended, read third time and passed.

A bill for the relief of Y. G. Dollahite ; taken up, read and ordered to be engrossed,

Mr. Johnson, one of committee on Engrossed Bills, reported correctly engrossed—

A bill granting a pension to Juana Navarro Allsbury ;

A bill for the relief of J. B. & D. R. Wortham ;

A bill for the relief of James A. Yeomans ; and

A bill granting a pension of \$125 per annum to Charles A. Sheppard.

Report accepted.

Mr. Bee, chairman of the committee on State Affairs, made the following report :

Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The committee on State Affairs report back the petition of Juana Navarro Alsbury, accompanied with a bill for her relief, which they recommend to the favorable consideration of the House.

The petitioner, (the widow of Dr. A. Alsbury, who was a gallant soldier at San Jacinto and other fields of Texas glory,) with her sister and Mrs. Dixon, were the only females in the Alamo ; and during the trials of that siege, which lasted some fourteen days, tended and ministered, as only woman can do, to the wants and sufferings of the sick and wounded of the garrison ; and with those above mentioned alone survived that glorious day. She is now poor and full of years, and in the opinion of your committee, Texas should prove that she cherishes the memory of the men of the Alamo, by remembering in her affluence the hand that bound up their wounds, and bore perhaps the last dying message of love and affection to the friends and kindred of many of those martyred patriots. They, therefore, ask the State to give her a pension.

H. P. BEE, Chairman.

January 30, 1858.

Report received.

On motion of Mr. Bee, the rule was suspended, bill taken up and read third time.

Mr. Bee offered the following amendment :

“ Provided the appropriation clause of this act shall be restricted to the period of two years.”

Adopted, and bill passed by a two-thirds vote.

Mr. Clow, one of the committee on Engrossed Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Engrossed Bills report the following bills as correctly engrossed, to-wit :

A bill to be entitled an act for the relief of the heirs of Peter M. Mercer.

A bill to be entitled an act to change the name of certain towns therein named.

A bill to be entitled an act to incorporate the Philosophian Society of Chappel Hill College.

A bill to be entitled an act for the relief of Elijah Moore.

Report accepted.

Mr. Rogers moved to reconsider the vote refusing to suspend the rule in order to read a bill for the relief of Nancy Coleman and others, a third time ; lost for want of a quorum.

On motion of Mr. Henderson of Harris, a call of the House was ordered.

On motion, the call was suspended.

Quorum present.

Mr. Buckley moved to excuse Thomas P. Ochiltree, 1st Assistant Clerk, until this evening ; lost.

A bill for the relief of W. B. T. Allen taken up, and on motion, laid on the table for the present.

A bill donating one league of land to Austin College taken up ; House refused to engross the bill by a vote of 23 yeas to 41 nays.

On motion of Mr. Smith of Fannin, the rule was suspended, and a joint resolution for the relief of the heirs of D. Rowlett taken up, and passed to a third reading ; rule suspended, read third time and passed.

On motion, the House adjourned until 9½ o'clock, A. M., Monday.

AUSTIN, Monday, February 1st, 1858.

House met pursuant to adjournment—roll called, quorum present—Journal of Saturday read and adopted.

On motion of Mr. Doom, Mr. Hicks was excused from attendance on the House from Wednesday next for the remainder of the session.

On motion of Mr. Munson, Mr. Hardin was excused for the remainder of the session, commencing from Wednesday next.

On motion of Mr. Aycock, Mr. Burnett was excused from attendance on the House for the remainder of the session, commencing from Friday next.

On motion, Mr. Clow was excused, after Saturday next, for the remainder of the session.

Mr. Witt was also excused, from the 8th instant, for the remainder of the session.

On motion of Mr. Wælder, the rule was suspended, and a bill to define the time of holding courts in the 4th Judicial District, taken up; read first and second times.

Mr. Wælder offered the following as a substitute for the 1st section :

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the District Court of Bexar county shall hereafter be held as follows, to-wit: The first term of said court to be holden after the passage of this act, shall begin on the second Monday of March, 1858, and may continue in session seven weeks; and the subsequent terms of said court shall begin on the first Mondays of March and September of each year, and may continue in session seven weeks; and the District Court of the other counties composing the fourth Judicial District, shall hereafter be held as follows, to-wit: In the county of Comal, on the eighth Mondays after the first Mondays of March and September, and may continue in session two weeks; in the county of Kerr, on the tenth Mondays after the first Mondays of March and September, and may continue in session one week; and in the county of Gillespie, on the eleventh Mondays after the first Mondays of March and September, and may continue in session two weeks.

Adopted, and bill passed to a third reading; rule further suspended, bill read third time and passed.

Mr. Johnson presented the petition of sundry citizens of Rusk in Cherokee county, protesting against a repeal of the corporation of said town.

Also the petition of sundry citizens of Cherokee county praying for a repeal of the corporation of the town of Rusk in said county.

REPORTS OF STANDING COMMITTEES.

Mr. Wood, one of the Judiciary committee, reported recommending the passage of a Senate bill to amend an act to regulate Juries, with the following amendments :

First page, eighth line from bottom, strike out "a," and insert "two."

Same page, seventh line from bottom, strike out "copy," and insert "copies."

Fifth line from bottom, first page, strike out "same," and insert "one."

In the same line, after "Court," insert "and deliver one to the Sheriff of the county."

Section 6th, eleventh line, after the word "deficiency," insert "Provided no bystander shall be summoned, unless his name appears upon the list of qualified Jurors furnished the sheriff by the County Court."

Report received.

Mr. Jennings, Chairman of Judiciary committee, reported recommending the passage of a bill limiting suits on judgments rendered by Courts other than the Courts of this State.

Report received.

Also reported as follows :

The Judiciary committee have had under consideration a bill from the Senate supplemental to and amendatory of an act to establish a Code of Criminal Procedure, approved 26th August, 1856, and have instructed me to report the accompanying substitute therefor, and recommend its passage. Report received.

Mr. Buckley, one of the same committee, reported recommending the passage of a Senate bill to dispense with scrolls and seals in certain cases. Report received.

Also recommended the passage of a Senate bill further regulating proceedings in the District Courts, with the following amendments :

Sec. 6th, tenth line from top, between "that" and "where" insert "No party shall be compelled to obey a subpoena unless he is a resident of the county where the suit is pending, or happens to be in said county at the time of trial, and"—

First page, second line from bottom, after "party," insert "Before a commission shall issue to take the answers thereto."

Add to the end of 6th section the following :

"And shall be sealed up with the commission and interrogations, and returned to the Court from which the commission issued, as provided in other cases of deposition." Report received.

Mr. Ross, one of the committee on State Affairs, reported recommending the passage of a substitute to a bill to be enti-

tled an act authorizing the County Court of Shelby county to levy a special tax. Report received.

Mr. Brown, Chairman of the committee on Counties and County Boundaries, reported as follows :

Mr. Speaker :

The committee on Counties and County Boundaries have examined a petition from certain citizens, asking to have a small strip of land attached to Medina county, and instruct me to report the accompanying bill and recommend its passage.

The petitioners, at present, are from 25 to 30 miles from their county seat. The proposed change places them within from one to five miles of the Court House of Medina county, to which they desire to be attached.

JNO. HENRY BROWN,
Chairman.

Report received and bill read first time.

Mr. Johnson, one of the committee on Engrossed Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Engrossed Bills report correctly engrossed viz : A bill to be entitled an act to amend the second section of an act entitled an act to incorporate the town of Madison, in the county of Orange, passed Sept. 1st, 1856.

A bill to be entitled an act for the relief of John Reid.

A bill to be entitled an act to incorporate the Tennessee Colony Masonic Institute.

A bill to be entitled an act granting to John Archer a pension for life.

A bill to be entitled an act for the relief of Robert J. Cadder.

A bill to be entitled an act for the relief of Elizabeth Rice.

A bill to be entitled an act for the relief of the heirs of Isidro Gutierrez.

Mr. Aycock, Chairman of the committee on Public Lands, made the following report :

To the Hon M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the petition of sundry citizens of Lavaca county, praying the

State to relinquish all the vacant lands in that county to it, to assist in building a Court House and other public edifices, have had the same under consideration, and instruct me to report : That the example sought to be set would be of bad effect, though the committee may be permitted to regret the condition of the county of Lavaca, in respect to the important matter of constructing public buildings, as well as other counties in the State similarly situated. It would be unwise policy to commence special legislation of the character sought, because it would be continued by each successive Legislature. Your committee would far prefer a general law, but that would be obnoxious, in their opinion, to the best interests of the State. It would be dealing out small favors to some, extravagant bounties to others, and probably nothing at all to others. It would deprive the State of the means to meet outstanding demands upon our public domain, and entail upon the people debts of indemnity too onerous to be borne. It would derange all our policy by taking out of the operation of our system an immense amount of Territory, that might have the effect of retarding the population of the country, and prejudicing our enterprises of internal improvement.

The State has long, in that spirit of munificence ever characteristic of her, relinquished her taxes to the counties, to assist them in their infancy in preparing for the administration of the laws in a manner most convenient to the people. If that policy, in any form, is to be continued, some general law, extending like aid to all similarly situated, ought to be enacted. But the practice of special legislation for that purpose, your committee would lament to see inaugurated. "Exclusive benefit to none, but equal and exact justice to all," should be a principle of universal application.

Your committee would respectfully ask to be discharged from further consideration of the petition.

T. P. AYCOCK,
Chairman.

Report received.

Mr. Aycock also reported as follows :

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the petition of Rebecca Washington, have had the same under consideration, and instruct me to report : that the petitioner's husband, Robert Davidson, received from the Government of

Coahuila and Texas a colonial grant of one league and labor of land, located on Little river, which was afterwards found to conflict with an eleven league claim, in the name of Maximo Moremo. That she compromised her claim with the owner of the eleven league claim for one-half of the league, and divided the same among her children. Petitioner applied at the last session of the Legislature for a certificate for a half league of land, to make up the amount to which she would have been entitled, with her husband, as a head-right. The Legislature granted her a certificate for one league, upon condition that she would relinquish to the State her title to the half league on Little river. She cannot make any advantage of that act, because she had previously parted with all right to the same, as herein stated. Your committee have had some difficulty in coming to any conclusion in the premises, so loose has been the policy heretofore pursued in such cases ; yet they have instructed me to report the accompanying bill and recommend its passage.

The said Mrs. Washington has been twice married. The league and labor first granted to her first husband was community property. She had children by both husbands ; and, as she has disposed of one-half of the land, whatever is granted ought to go to the heirs of her first husband, Robert Davidson.

T. P. AYCOCK,
Chairman.

Report received.

Mr. Aycock also reported as follows :

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the Senate's bill to be entitled an act to authorize the issuance of patents upon certain surveys in Peters' colony, have considered the same and instruct me to report : that they are satisfied, from the testimony of an Honorable gentleman, that the persons to be relieved by the bill, herewith reported, made their files before the reservation of the lands in Peters' colony, though they were surveyed afterwards ; that the bill is sufficiently well guarded to protect the rights of the State, and in its operations, will not interfere with the rights of any third persons. They, therefore, recommend the passage of the bill.

Report received.

Also reported as follows :

TO THE HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred the petition of David Ford and other citizens of Newton county, praying for a donation of land for camp meeting purposes, have had the same under consideration, and instruct me to report: that the request, (though modest—being only for a donation of forty acres of poor land upon which the Camp ground is located,) if granted, would only open the door to many other applications of a similar kind. To grant away land to any particular church, or religious association, would, in the opinion of your committee, be an abuse of the trust reposed in the Legislature over that great patrimony in which all the people, of every creed, have an equal interest. Yet, in view of the fact that the Camp ground is now located upon vacant land, and that it has been improved by the good citizens of Newton county, your committee herewith report two bills: one to incorporate the Camp Ground Association, and the other to enable them to procure, at a small price, the land which is prayed for, rating it at the lowest price at which this committee have reported for the sale of the public domain. The committee recommend the passage of the accompanying bills.

T. P. AYCOCK,

Report received.

Chairman.

Mr. Buckley, Chairman of the committee on Private Land Claims, reported recommending the passage of a bill for the relief of the heirs of John Gay. Report received.

Mr. Hicks, Chairman of the Select committee, to whom was referred a bill to be entitled an act to provide a mode for changing and fixing the names of certain towns in this State, reported recommending the passage of the same. Report received.

Mr. Brown, Chairman of a Joint Select committee, reported as follows:

COMMITTEE ROOM, }
Austin, January 28, 1858. }

To the President of the Senate,

and Speaker of the House:

The Joint Select committee, to whom was referred a bill and amendments, to create the twentieth Judicial District, have maturely investigated the facts, and instruct us to report

as a substitute for the same, "a bill to re-organize the sixteenth Judicial District, and define the times of holding courts therein," which, after August, 1858, will embrace sixteen counties; and when all of them shall be organized, will give the presiding Judge forty-two weeks in the year. But four of them are new counties, and, until they may be organized, the term time will be but thirty-four weeks in the year, while three or four of the remaining counties will give but light labor for the next two years. By that time, the creation of a new District, somewhat as proposed in the original bill, will doubtless become a necessity to the proper administration of justice. The bill herewith submitted, strictly as a compromise, was agreed upon unanimously by the Joint committee.

A. G. WALKER,

Chairman Senate committee,

JNO. HENRY BROWN,

Chairman House committee.

Report received and bill read first time.

On motion of Mr. Witt, the rule was suspended, report and bill taken up, and bill ordered to be engrossed; rule further suspended, bill read third time and passed.

A message was received from the Senate, informing the House that the Senate had passed the following bills, originating in the Senate, viz:

A bill to be entitled an act for the relief of W. B. Mauldin.

A bill for the relief of John E. Mashburn.

A bill to authorize and require the Commissioner of Claims to issue certain head-right certificates therein named.

And the following bills, originating in the House of Representatives:

A bill for the relief of James T. Gorman.

A bill for the relief of pre-emption settlers under the acts of Jan. 22d, 1845, Feb. 7th, 1853, and Feb. 13th, 1854.

And that the Senate had receded from its amendment to "a bill to provide for the purchase of the Alamo Monument."

Mr. Buckley, Chairman of a Select committee, reported as follows:

COMMITTEE ROOM, }
February 1st, 1858. }

HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Judicial Districts instruct me to report

the accompanying bill, to be entitled an act supplemental to an act fixing the time for holding the District Courts in the 14th Judicial District, and recommend its passage.

Report received and bill read first time.

On motion of Mr. Buckley, the rule was suspended, and the bill was taken up and ordered to be engrossed; rule further suspended, bill read third time and passed.

Mr. Reeves, Chairman of a Select committee, reported as follows :

HOUSE OF REPRESENTATIVES, }
Austin, Feb. 1st, 1858. }

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The Special committee, to whom was referred a bill to authorize the Commissioner of the Court of Claims to approve head-right certificate No. 42, issued by the Board of Land Commissioners of Robertson county, on the 9th day of October, 1841, to the heirs of Robert Thompson, deceased, have had the same under consideration, and find that the Board of Commissioners of Robertson county did issue, to the heirs of Robert Thompson, a conditional certificate for 1280 acres of land, dated July 1st, 1839. And we further find that the same Board of Commissioners, on the 9th day of October, 1841, issued, to the said heirs of Robert Thompson, the unconditional certificate, No. 42, and the Clerk of said Board reported that the certificate of Robert Thompson, deceased, for 1280 acres of land, had been passed by the examining Board of Commissioners, and had been recommended for Patenting. The committee further find that the Traveling Board has recommended the certificate, as appears from the abstract now on file in the Land Office. The committee further find, from the testimony of two respectable witnesses, that the heirs of Robert Thompson were, in truth and justice, entitled to the quantity of land as stated in said certificate. The committee are informed that the records of the said Board of Commissioners of Robertson county have been burned or destroyed, so that a copy of said records cannot be obtained. In view of all these facts, your committee are of the opinion that the bill should pass. Therefore, I am instructed to report the bill back to the House, and recommend its passage.

All of which is respectfully submitted.

G. R. REEVES,

Chairman.

Report received.

A message was received from the Senate, announcing to the House that the Senate had passed a bill, originating in the Senate, "to incorporate the Nash Iron, Steel and Copper Manufacturing Company."

And "a bill to amend an act entitled an act to organize the 17th and re-organize the 2d Judicial District," originating in the House of Representatives.

And that the Senate had refused to concur in the amendments of the House to "a bill supplementary to and amendatory of an act to adopt and establish a Penal Code for the State of Texas, approved 28th August, 1856."

On motion of Mr. Brown, the rule was suspended, and the following bills, fixing county seats, &c., were taken up and disposed of as follows, viz :

A bill to locate permanently the county seat of Jack county, taken up, read, and ordered to be engrossed ; rule suspended, read third time and passed.

A bill to legalize the organization of Jack county ; read and ordered to be engrossed ; rule suspended, read third time and passed.

A bill to legalize the location of the county site of Live Oak county ; read and passed to a third reading ; rule suspended, read third time and passed.

A bill, originating in the Senate, to be entitled an act donating 320 acres of land to the county of Palo Pinto, with an amendment from the committee on Public Lands ; amendment of the committee adopted ; when

Mr. Brown moved to amend by inserting, before the committee's amendment, the words, "To be laid off into town lots by the county, sold at such time and on such terms as said Court may deem best for the interest of the county, the proceeds thereof"— ; adopted, and bill passed to a third reading ; rule suspended, read third time and passed.

A bill to amend the 1st section of an act to create the county of Jack ; read and passed to a third reading ; rule suspended, read third time and passed.

A bill to amend an act to create the county of Llano ; read second time and ordered to be engrossed ; rule suspended, read third time and passed.

A bill to amend an act to create the county of Brown ; read and ordered to be engrossed ; rule suspended, read third time and passed.

A bill to amend the 1st section of an act entitled an act to create the county of Palo Pinto.

Mr. Brown offered the following amendment, viz :

Eighth line, 1st section, strike out "east" and insert "west."

Second amendment—strike out all after the words "Parker county," in fourteenth line, 1st section, to close of sixteenth line, and insert "thence south to the south-east corner of Buchanan county, thence east to the north corner of Eastland county, thence south with the line of Eastland to the line of Erath county ;" adopted, and bill passed to a third reading ; rule suspended, read third time and passed.

A bill permanently to locate the seat of justice of Angelina county, with a report from a Select committee recommending a substitute ; substitute adopted, and bill read third time and passed.

A bill to amend an act to organize the county of Upshur, approved April 27th, 1846 ; read second time and ordered to be engrossed ; rule suspended, read third time and passed.

A bill to be entitled an act to define the jurisdiction over certain tide water and islands therein named ; read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

On motion of Mr. Buckley, the Code of Criminal Procedure was taken up, with a report from the committee on the Judiciary recommending a substitute ; substitute adopted.

Mr. Cleveland moved to suspend the reading of the bill.

The yeas and nays being demanded, the House refused to suspend the reading by the following vote :

YEAS—Messrs. Speaker, Aycock, Bee, Bishop, Chance, Cleveland, Clow, Collier, Craig, Crook, Dennis, Doom, Hall, Hardin, Harris of Titus, Hart, Haynes of Washington, Howerton, Lesueur, Lloyd, McKinney of Travis, Merriman, Poag, Price, Reeves, Roberts, Scott, Shelton, Smith of Fannin, Tait, Upshaw and Wælder—32.

NAYS—Messrs. Barnard, Buckley, Burks, Burnett, Carroll, Chilton, Cooley, Dalrymple, Evans of McLennan, Everett, French, Gaston, Harris of Guadalupe, Harrison, Henderson of Cass, Hicks, Higgins, Jennings, Johnson, Joseph, Kirk, Kirtrell, Lacy, Latham, Mills, Munson, Murrah, Navarro, Norton, Powell, Rainey, Rhodes, Rogers, Ross, Runnels, Walling, Waterhouse, Witt and Wood—39.

Mr. Rainey moved to go into a committee of the whole on the bill.

On motion of Mr. Dennis, the motion was laid on the table.

Mr. Henderson of Cass moved to reconsider the vote refusing to dispense with the reading of the bill.

Mr. Chilton moved to lay the motion to reconsider on the table ; lost.

The question recurring on the reconsideration of the vote, the same was put and carried by a vote of 35 yeas to 30 nays.

Mr. Haynes of Starr moved to indefinitely postpone the consideration of the bill.

On motion of Mr. Howerton, the motion to postpone was laid on the table.

Mr. Chilton moved a call of the House ; lost.

The question then recurring on dispensing with the reading of the bill, the same was put, and the House refused to dispense with the reading of the bill by a vote of 28 yeas to 38 nays.

On motion, the House adjourned until 3 o'clock P. M.,—pending consideration of the Penal Code.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present.

On motion of Mr. Jennings, the rule was suspended, and a bill to amend an act to adopt and establish a Penal Code for the State of Texas, was taken up, and the House insisted on its amendments, and Messrs. Jennings, Buckley, Powell, Cleveland and Wood, appointed a committee of conference.

Mr. Johnson, one of the committee on Engrossed Bills, reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined and report correctly engrossed the following bills, to-wit :

A bill to be entitled an act to incorporate the Nueces Bridge and Turnpike Company."

A bill to be entitled an act authorizing a change of certificate in a certain case.

A bill to be entitled an act for the relief of the heirs of John B. Fox.

T. J. JOHNSON,
One of the committee.

Also, a bill to be entitled an act to incorporate the Free-stone School Association.

A bill to be entitled an act to incorporate the Navisota Turnpike Company.

A bill to be entitled an act for the relief of Thomas Cochran.

A bill to be entitled an act granting a pension to Juano Navarro Allsbury.

A bill to be entitled an act for the relief of Frederick Heniger, deceased, or his assignee.

A bill to be entitled an act for the relief of Wm. H. Jones.

And a bill to be entitled an act for the relief of the heirs of Y. G. Dallahite.

T. J. JOHNSON,
One of the committee.

Reports accepted.

The consideration of the Code of criminal procedure again resumed.

A message was received from the Senate, announcing to the House the passage of the following bills, originating in the House:

A bill for the relief of C. K. Ham.

A bill for the relief of Goodwin Killian.

A bill for the relief of Abner C. Davis.

A bill for the relief of Florinda Dixon.

A bill for the relief of the several school districts, trustees and patrons.

A bill to authorize the cancelation of a certain contract for work to be done on Sabine river, upon the execution of a new one by the parties mentioned therein.

A bill for the relief of Henry Hilton.

A bill for the relief of Isaac N. Hitchcock.

A bill for the relief of Polly Guthrie and the heirs of Andrew Jones.

A bill for the relief of the heirs of William Freer, deceased, with an amendment.

And a Joint Resolution, requesting our Senators and Representatives in Congress to use their influence to procure a line of mail coaches between Tyler and Waco.

Mr. Everett offered the following amendment to the Code of criminal procedure :

“That Articles 646, 647 and 648, each, respectively, be so amended as to read: That, in no case, the husband shall be a competent witness for or against the wife ; nor shall the wife, in any case, be a competent witness for or against her husband.”

The House refused to adopt the amendment by the following vote—yeas 18, nays 50.

Mr. Chilton offered the following as a substitute for Art. 455: “The State shall, in all cases, pay to witnesses who may have to testify in a criminal cause, where the party has been acquitted, the same amount that said witness would have been entitled to in the event of conviction.”

On motion of Mr. Buckley, laid on the table.

On motion of Mr. Evans of McLennan, the word “other” was stricken out of Art. 527.

Bill passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Bee, the vote refusing to pass a bill granting one league of land to Austin college, was reconsidered, and the bill re-committed to the committee on Private Land Claims.

On motion of Mr. Buckley, the rule was suspended, and a bill to further regulate proceedings in the District Courts, was taken up, with report from Judiciary committee recommending amendments, taken up and amendments adopted.

Mr. Wood proposed to amend as follows :

“Provided that no interrogations shall be taken as confessed, unless a commission has first been issued to take the answer of the party, and he has refused to answer after being called on in a legal manner to do so, by the proper officer ; and, in case of such refusal, such officer shall certify to the court such refusal.”

Mr. Mills proposed to amend as follows :

Sec. —“That no exception to a charge of the Court, at the time delivered, shall be necessary to entitle the party to assign the same as error.” Adopted.

Mr. Jennings offered the following amendments :

Strike out the word “third,” and insert “4” in seventh line. Strike out “on or before the 3d,” and insert “on or before the 4th,” in ninth line. Adopted.

Mr. Wood proposed to amend by adding :

“That this Act go into effect on the first day of July, A. D. 1858.” Adopted, and bill passed to a third reading; rule suspended, bill read third time and passed.

On motion of Mr. Buckley, a bill to dispense with scrolls and seals in certain cases, taken up, read, and passed to a third reading; rule suspended, read third time and passed.

On motion, the House adjourned until 7 1-2 o'clock P. M.

7½ O'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed:

A bill to amend an act to create the county of Llano.

A bill to change the boundary of Medina county.

And a bill to amend an act to create the county of San Saba. Report accepted.

On motion of Mr. Wood, the “Probate bill” was taken up.

On motion of Mr. Powell, the House resolved itself into a committee of the whole on the bill.

The committee arose and reported that they had examined the bill to the 100th section, and reported it without amendment.

On motion, the House adjourned until 9 1-2 o'clock to-morrow, A. M.

AUSTIN, February 2, 1858.

House met pursuant to adjournment—roll called, quorum present—journal of yesterday read and adopted.

Mr. Craig moved to excuse Mr. Baldwin from attendance on the House for the remainder of the session—carried by the following vote:

YEAS.—Messrs. Speaker, Aycock, Bishop, Brown, Burks, Burnet, Carrol, Chance, Cleveland, Collier, Craig, Crook, Evans of McLennan, Gaston, Harris of Titus, Harrison, Haynes of Washington, Henderson of Cass, Jennings, Kirk, Lacy, Lee, Lesueur, Lewter, Lloyd, Merriman, Murrah, Price, Reeves, Roberts, Ross, Scott, Shannon, Smith of Fannin, Smith of Orange, Tait and Witt—37.

NAYS.—Messrs. Barnard, Bee, Buckley, Chilton, Clow,

Cooley, Dennis, Doom, Edwards, Everett, Fisher, French, Hall, Harris of Guadalupe, Hart, Henderson of Harris, Howerton, Johnson, Joseph, Kinney, McKenney of Hopkins, Mills, Munson, Navarro, Norton, Poag, Powell, Rhodes, Runnels, Shelton, Upshaw, Walling, Waterhouse and Wood—34.

A message was received from the Senate, announcing the passage of the following bills, originating in that body :

A bill making appropriations for the use and support of the State Government for the years 1858 and 1859.

A bill regulating executions, and

A bill to require the Commissioner of the General Land Office to charge fees in certain cases.

Mr. Norton presented the petition of S. E. Noble ; referred to the committee on Counties and County Boundaries.

On motion of Mr. Cleveland, the vote excusing Mr. Baldwin was reconsidered.

The question on excusing Mr. Baldwin was again put to the House, and the House refused to excuse him by the following vote.

YEAS.—Messrs. Speaker, Aycock, Bishop, Carroll, Chance, Craig, Crook, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Haynes of Washington, Henderson of Cass, Jennings, Johnson, Kittrell, Lacy, Lesueur, Lewter, Lloyd, Murrah, Price, Reeves, Ross, Runnels, Scott, Shannon, Smith of Fannin and Witt—30.

NAYS.—Messrs. Barnard, Bee, Buckley, Chilton, Cleveland, Clow, Collier, Cooley, Dennis, Doom, Edwards, Evans of Austin, Fisher, French, Hall, Harris of Guadalupe, Hart, Haynes of Starr, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kirk, Lee, McKenney of Hopkins, McKinney of Travis, Merriman, Mills, Munson, Navarro, Norton, Poag, Powell, Rhodes, Roberts, Shelton, Smith of Orange, Tait, Upshaw, Wælder, Walling, Waterhouse and Wood—44.

Mr. Waterhouse, one of the committee on Enrolled Bills, made the following report :

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills and find them correctly enrolled, properly signed and presented to the Governor for his approval and signature on the thirtieth of January, 1858 :

An act to incorporate the Houston Insurance Company.

An act to incorporate the Beneficiary Association of San Antonio.

An act for the relief of Helena Eggeling,

An act to incorporate the Union Hill High School.

An act to incorporate the New Braunfels Academy.

An act to authorize and require the Commissioner of the Court of Claims to approve certain donation and bounty land certificates therein.

Also presented to the Governor, on Monday, February first, 1858,

An act for the relief of James P. Gorman.

An act for the relief of George R. Raines.

A joint resolution for the relief of D. Rowlett, deceased.

An act for the relief of Harvey Trotter.

An act for the relief of Mandred Wood, or his assigns.

An act for the relief of Isaac N. Hitchcock.

An act to amend the first section of an act to create the county of Jack.

An act to legalize the location of the county seat of Live Oak county.

Also presented to the Governor, on Tuesday, the second of February, 1858,

An act for the relief Polly Guthrie and the heirs of Andrew Jones.

An act for the relief of Florinda Dixon.

An act for the relief of the heirs of Abner C. Davis.

An act for the relief of C. K. Ham.

RICHARD WATERHOUSE,

One of the Committee.

Report accepted.

REPORTS OF STANDING COMMITTEES.

Mr. Aycock, Chairman of the committee on Public Lands, reported as follows, on a bill to authorize the sale and settlement of the alternate sections of land reserved to the State in Fisher and Miller's Colony, &c.:

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the Senate's bill to be entitled an act to authorize the sale and settlement of the alternate sections of land reserved to the State in Fisher and Miller's Colony, and to repeal the 10th section of an act to secure the German Emigration Company

and their colonists the lands to which they are entitled, and to adjust the liabilities of said Company, approved January twenty-first, 1850, have considered the same, and instruct me to report, that they have heretofore reported a Senate's bill for the sale of the public domain, and all the reserve lands and alternate sections belonging to the State, in which they recommend that all the reserve lands and alternate sections be sold at one dollar per acre, except the reservation of the Memphis and El Paso Railway Company, while the Senate's bill rated the former at one dollar and twenty-five cents, and the latter at two dollars per acre. The bill herewith reported makes a difference between public lands, in respect both to price and pre-emption privileges, for which your committee have not been able to discover any reason. Certainly the laws for the sale of the public domain ought to be general and uniform. The wild, unsurveyed lands were rated by the Senate's bill heretofore reported, at one dollar per acre, and yet they rate, in this case, surveyed alternate sections at fifty cents per acre. Why this distinction? Can it be pretended that the lands in a country settled and improved, where all the elements of prosperous society are collected, already surveyed, are not more valuable than the unsurveyed lands on the northern and western frontier, where population is sparse, and where the incursions of the predatory Comanches ever and anon strike consternation to the hearts of the people? Why shall we extend pre-emption privileges to the people on that territory and deny them to settlers on other alternate sections of the public land? Your committee would have no objection to the extension of pre-emption privileges to all alike. This can be done by an amendment of the general bill heretofore reported. The last section of the bill, proposing to repeal the tenth section, takes away from the German Emigration Company a privilege to purchase those lands at fifty cents per acre, originally extended, of which it has never taken advantage. This is proper, though as the company was dissolved and passed away, the law as it stands would be inoperative.

With the amendments proposed, the committee recommend the passage of the bill. T. P. AYCOCK, Chairman.

AMENDMENTS.—1st. Strike out of the caption, from the word "act," to the word "to," in the fourth line.

2d. Strike out the first, second, third and fourth sections.

Report received.

Mr. Munson, one of the committee on Claims and Accounts,

reported as follows on the petition of the widow and children of A. C. McFarlane :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the petition of the widow and minor children of A. C. McFarlane, deceased, representing that McFarlane purchased, at the sale of lots in the city of Austin, in 1840, two lots, to be paid in four installments ; and further showing that seventy-five dollars was paid on one lot, and on the other the sum of one hundred dollars ; amounting, in all, to one hundred and seventy-five dollars paid by McFarlane. The whole amount contracted to be paid for the purchase of said lots, was seven hundred dollars. The conditions of the purchase were never complied with, in consequence of which the lots were forfeited to the State.

Petitioner now asks that the sum of one hundred and seventy-five dollars, paid as above specified, be refunded by the State. Your committee have given attention to this prayer, and entertain a strong desire to recommend the relief asked for. But upon examining this claim in the Comptroller's office, they find that the payments alleged to have been made, were in the currency of the late Republic of Texas at a scaled rate of twenty-five cents on the dollar, which in par funds amounts to forty-three dollars and seventy-five cents actually paid by petitioner and forfeited to the State. It is further ascertained that not less than fifty thousand dollars have been forfeited to the State in consequence of non-compliance with contract of sale for property in and about the city of Austin.

To grant the prayer of this petition (which contains no legal demand) would be a gratuity on the part of the State, and your committee fear, would establish a precedent in every respect unwise.

Wherefore they instruct me to report against the application.

M. S. MUNSON,

Chairman of the Committee.

Report received.

Mr. Brown, Chairman of the committee on Counties and County Boundaries, reported as follows on the petition for the creation of the county of Bowden :

Mr. Speaker :

I am instructed to submit the following report upon a peti-

tion referred to the committee on Counties and county Boundaries at an early day in the session. The report has been deferred, at the request of the friends of the measure, to allow time for the reception of further evidence in the case. The facts are, that six or seven hundred citizens, resident of contiguous portions of the counties of Rusk, Nacogdoches and Shelby, complaining of inconvenience and expensive burthens resulting from their distance from their respective county seats, ask the creation of a new county, to be taken from the three counties named.

The limits proposed for the county contain about five hundred and fifty square miles, and reduce the counties of Rusk, Nacogdoches and Shelby each below nine hundred square miles. These counties all existed before the adoption of the State Constitution, and can be curtailed as desired by a two-thirds vote of the Legislature. The only legal question involved, therefore, is, can the Legislature, by a two-thirds vote, create a county containing less than nine hundred square miles? A majority of the committee, including myself, believe it cannot. But, at the request of the friends of the measure, and with the assent of the committee, a bill is herewith reported "to create the county of Bowdon," in order to test the sense of the House on the subject. The facts presented by the petition make up a strong case for relief, and if the Legislature should, in any class of cases, exercise the power of creating small counties, this is one of them. The passage of the bill, consequently, involves the single question, can the Legislature create a county of less contents than nine hundred square miles?

The only local opposition to the measure (aside from legal difficulties) made known to the committee, is from the junior member from Nacogdoches, (Mr. Rhodes.)

The committee therefore ask a test vote on the accompanying bill.

JOHN HENRY BROWN,
Chairman.

Mr. Clow, one of the committee on Engrossed Bills, made the following report :

Hon. M. F. LOCKE,

Speaker House of Representatives :

The committee on Engrossed Bills beg leave to report the following bills as correctly engrossed, to-wit :

A bill to provide for permanently locating the county seat of Angelina county.

A bill to be entitled an act to amend an act to create the county of Brown.

A bill to be entitled an act to locate permanently the county seat of Jack county.

A bill to be entitled an act to legalize the organization of Jack county : report accepted.

Mr. Johnson, one of the Committee on Engrossed Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined, and report correctly engrossed,

A bill to be entitled an act to amend an act to organize the county of Upshur, approved April 27, 1846.

A bill to be entitled an act to define the jurisdiction over certain tide-water and islands therein named,

And also amendments to the following bill originating in the Senate, viz : a bill to be entitled an act to amend the first section of an act entitled an act to create the county of Palo Pinto. Report accepted.

Mr. Kittrell, Chairman of the committee on Education, reported, recommending the passage of a bill to incorporate Athens College ; report received.

Also, as Chairman of the committee on Public Debt, reported as follows on a bill making an appropriation for the payment of certain public debt of the late Republic of Texas, second Class C :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Debt, to whom was referred a bill from the Senate entitled an act making an appropriation for the payment of certain public debt of the late Republic of Texas, second Class C, have examined the bill, and find that it directs the sum of sixty thousand four hundred and fourteen dollars and seventy-three cents, or so much thereof as may be necessary, to be appropriated to the payment of that portion of the debt of the late Republic of Texas for services rendered and supplies furnished, which was filed with the Commissioner of Claims and the Comptroller of Public Ac-

counts anterior to the first day of January, 1858, and known as second Class C.

Your committee have made the necessary examination touching this matter, in the office of the Commissioner of Claims, and find that there have been filed there a large amount of claims included in the class ordered to be paid by the bill under consideration, some ten or twelve thousand dollars' worth of which have been audited and allowed, and were recommended to be paid. Others, when added in amount to those above alluded to, will make up the sum set forth in the bill, say \$6,400 73-100, have undergone a partial examination, most or all of which it is thought will be allowed, on further examination. Hence, it is deemed proper to make the appropriation large enough to cover this amount, as the appropriation, so far as the last mentioned amount is concerned, can only be contingent upon the favorable action of the Auditorial Board on the claims making up that sum. Your committee would suggest, that without the appropriation asked for in the bill is made, so much of the claims now before the Board as may be decided to be good and valid, and allowed, will necessarily have to remain unpaid until the meeting of the next session of the Legislature, which will work a hardship to those interested. I am therefore instructed to report the bill back to the House and recommend its passage.

Respectfully,

P. W. KITTRELL,

Report received.

Chairman.

Mr. McKinney of Travis, Chairman of the committee on Public Buildings, reported recommending the passage of a bill to repair the State Capitol ; report received, and bill read first and second times.

On motion of Mr. McKinney of Travis, the Senate bill on the same subject was taken from its order, and the House bill substituted for the same.

On motion of Mr. Brown, the matter was laid on the table for the present.

Mr. Gaston, by leave, introduced a bill for the protection of the Sabbath day, or day commonly called Sunday ; read first and second times and referred to a Select committee of five.

Mr. Henderson of Harris, introduced a bill for the relief of Isaac D. Hamilton ; read first and second times, and referred to the committee on Private Land Claims.

Mr. Hart, by leave, presented the petition of John Burlage ; referred to Finance committee.

On motion of Nr. Kittrell, the following Senate bills with House amendments, and House bills with Senate amendments, were taken from the Speaker's table and disposed of as follows :

House Bills with Senate Amendments.

A bill supplementary to and amendatory of an act for the support of Schools, approved August, A. D. 1856 ; House agreed to amendment.

A bill for the relief of Wm. Freer's heirs ; amendment concurred in.

A bill for the relief of Jacob H. Shepherd ; amendment concurred in.

A bill to amend an act to organize the 17th and reorganize the 2nd Judicial Districts ; amendment concurred in.

A bill for the relief of pre-emption settlers under the act of January 22nd, 1845, February 7th, 1853 and February 13th, 1854 ; amendments concurred in.

Senate Bills with House Amendments.

A bill to incorporate the Columbus, San Antonio and Rio Grande railroad company ; House receded from its amendment.

A bill to ascertain what land certificates have been illegally issued by the county courts of counties in Peters Colony and to provide for issuing patents on such of said certificates as are legal. House receded from its amendment. The report of conference committee on a bill to purchase a site for the Institution of the Deaf and Dumb taken up and adopted. The report of the conference committee on a bill to purchase the Alamo Monument was taken up and adopted.

The following Senate bills on their first reading were taken from the Speaker's table read first and second times and disposed of as follows :

A bill to provide the organization of the State Lunatic Asylum, and for the care and maintainance of the Insane ; referred to committee on Education.

A bill to extend the time for letting the contracts for the improvement of Galveston and St. Louis Bays &c., &c.,

On motion of Mr. Brown, rule suspended and bill passed to a third reading—read a third time and passed.

A bill to legalize surveys in the disputed territory between Milam and Bexar Land Districts ; referred to committee on Land Office.

A bill supplemental to an act to provide for the incorporation of towns and cities ; referred to committee on State Affairs.

A bill to repeal an act of the 28th of January 1856, authorizing the county court of Brazoria county to exercise a general supervision over public and private roads and the act supplemental thereto approved August 11th 1856 ; referred to committee on Roads Bridges and Ferries.

A bill for the relief of Thomas Powell ; referred to committee on Public Debt.

A bill to incorporate the Marceline Mill Manufactory and Bridge Company ; referred to committee on Roads Bridges and Ferries.

A bill for the relief of the county surveyor of Parker county ; referred to the committee on the Land Office.

A message was received from the Governor.

A bill to be entitled an act to create Chambers county taken up read first and second times and on motion of Mr. Smith of Orange the rule was suspended and bill passed to a third reading rule further suspended read third time and passed.

A bill to incorporate the Corpus Christi Academy, read first and second times and referred to the committee on State Affairs.

A bill to incorporate the Nash Iron Steel and Copper manufacturing Company in Cass county; read first and second times.

Mr. Harris moved to suspend the rule and pass the bill to a third reading—carried, when

Mr. Poag moved to amend as follows :

Strike out railroad iron wherever it occurs in the bill, and insert the following as an additional section viz :

SECTION 5, That said Company shall have all times the right to purchase at reasonable prices all broken pots cast iron &c., &c.,—laid on table—bill then read third time and passed.

The following bills were read respectively first and second times and referred to their appropriate committees viz :

A bill for the relief of W. B. Mauldin, referred to the committee on Private Land Claims.

A bill for the relief of Alexander McGowan, referred to the committee on Public Debt.

A bill for the relief of James Lastley deceased, referred to the committee on Private Land Claims.

A bill to incorporate the Guadalupe Bridge Company ; referred to the committee on Roads Bridges and Ferries.

A bill to incorporate the town of Victoria ; referred to the committee on State Affairs.

A bill for the relief of Joseph E. Field ; referred to the committee on Private Land Claims.

A bill to authorize and require the Commissioner of Claims to issue certain headright certificates therein named ; referred to the committee on Private Land Claims.

A bill to incorporate the San Antonio water company ; referred to the committee on State Affairs.

A bill for the relief of John E. Marshburn ; referred to the committee on Private Land Claims.

The Speaker announced the following as a special committee on the Sabbath Law viz :—Messrs Gaston, Kittrell, Munson, Cleveland and Craig.

On motion of Mr. Henderson of Harris, the following communication from his Excellency the Governor was taken from the Speakers table and on motion of Mr. Bee, laid on the table for the present.

EXECUTIVE OFFICE, February 2nd, 1858.

Gentlemen of the Senate,

and House of Representatives :

I return, without my approval to the House, in which it originated, An Act supplementary to An Act to provide for the investment of the Special School Fund in the Bonds of Railroad Companies Incorporated by the State, approved, August 13th, 1856.

The bill presents one of those questions of doubtful expediency, which in the exercise of the Constitutional prerogative of the Executive, it becomes his duty, for the time being, to arrest.

A controlling reason, if there were no other objection to the bill, is to be found in the fact that it is a departure from the established policy of the country, and directly at variance with the object of the act to which it is proposed as a supplement. That act relates to railroads only, and this supplementary bill to the cutting of a canal between Corpus Christi and Aransas Bays, thus diverting a portion of the funds set apart for a particular given object, and appropriating them to another of altogether a different character, which had been as specifically and definitely provided for by the same Legislature at the

same session. This is fully evidenced by reference to the acts in question. A portion of the 9th section of the act to encourage the improvement of the navigation of the rivers, &c., approved 1st August, 1856, is as follows :

“That money may be raised in the same manner as provided for in this act, for the construction of any canal between two navigable points, and any canal for the construction of which any amount may be raised by private subscription, shall be entitled and subject to all the benefits and provisions of this act, provided,” &c.

If the benefits of the act have not been participated in for the construction of the contemplated work, it is clear from the clause above quoted, that it has been from no fault in the law or those who framed it ; but because of the unwillingness of the parties to comply with its annexed conditions. The concluding proviso to the 9th section of which reads in these words : “And, provided, that no canal or any river, bayou, lake or bay receiving the benefits of the provisions of the act, shall at any time receive or collect tolls for the navigation of the same.”

It seems that a charter had been granted for the construction of this work, with the privilege of charging tolls, &c., prior to the passage of either the Loan or River bill, and that subsequent to their passage, a grant of sixteen sections of land to the mile was made to encourage its completion, and that during the pendency of the Loan bill before the House, July 19th, 1856, an amendment was offered, authorizing a loan to this incorporated company, which was laid on the table.—These facts go plainly to prove that it was not intended by the Legislature to comprehend the work under the Loan bill, nor of its undertakers to avail themselves of the River appropriations, the acceptance of which would necessarily involve the surrender of their chartered privileges, and to that extent their private interests.

If private interests have presented obstacles to the accomplishment of the great public good which it is alleged would result from this improvement, it can scarcely be expected from the State to encroach upon her established policy to build up those same private interests. The bill, however, is a departure from the principle of the Loan policy in respect to the securities demanded by the State. There is no provision for the forfeiture and enforcement of the bond as in the case of Railroad Companies.

The State will have her remedy for the collection of both interest and principal, as they became due through the tedious action of the courts only.

The great object held in view in establishing the loaning policy, was to give the earliest possible communication with the interior, and I cannot see that it is to be advanced in a sufficient degree, by the adoption of this measure, to justify its early abandonment.

H. R. RUNNELS.

On motion of Mr. Hart the rule was suspended and a bill to amend the 2nd section of an act to reorganize the 8th Judicial District and define the times of holding courts therein with the report from the committee on Judicial Districts recommending amendments was taken up, and amendments of the committee, adopted.

Mr. Henderson of Cass moved to strike out Cass county wherever it occurs in the bill.

On motion of Mr. Hart, the bill and amendments were referred to a Joint Select committee comprised of members from the 8th Judicial District.

On motion of Mr. Tait, the rule was suspended and a bill concerning Boatmen and Ferrymen, was taken up with a report from the committee recommending a substitute—substitute adopted, and bill ordered to be engrossed—rule suspended read third time when

Mr. Chilton offered the following amendment viz :

Provided such boat shall always be liable to sale for any damage sustained by the negligence or other improper conduct upon the part of such Ferryman ; adopted and bill passed.

Mr. Henderson of Harris introduced a bill providing the manner in which the fund set apart for the improvement of Buffalo Bayou shall be expended, read first and second times and referred to the committee on Internal Improvements.

Mr. Bee introduced a bill to be entitled an act to amend an act to provide for boring Artesian Wells between the Rio Grande and Nueces Rivers, read first and second times and ordered to be engrossed rule suspended read third times and passed.

Mr. Wælder introduced a bill making provision for the translating and printing of certain General Laws into the Spanish and German languages, read first and second times—when Mr. Navarro moved to suspend the rule in order to engross the bill—lost,

Mr. Chilton moved to adjourn until 7 o'clock P. M.,—lost.
On motion of Mr. Price, the House adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

House met—roll called, quorum present.

A message was received from the Senate announcing the passage of the following bills originating in the House.

A bill defining the 7th Judicial District, and the time of holding courts in the same.

A bill to reorganize the 13th Judicial District and to fix the time of holding courts therein.

A bill defining the time of holding courts in the 18th Judicial District.

A bill requiring county courts to regulate roads and appoint overseers &c.

A bill for the relief of Wm. Palmer or his assigns.

A bill to amend the charter of the San Antonio river navigation company, passed August 29, 1856.

A bill granting a pension to Juana Navarro Allsbury.

A bill to incorporate the Tennessee Colony Masonic Institute.

A bill to amend the 2nd section of an act to incorporate the town of Madison in Orange county.

A bill to change the names of certain towns therein named.

A bill for the relief of James A. Yeoman.

A bill to amend an act to create the 15th Judicial District, provide for the election of a Judge and District Attorney thereof and define the time of holding courts therein, approved 21st January 1856, with an amendment.

A bill to incorporate the Fire Association of San Antonio, with amendment.

A bill to amend the second of an act to incorporate the Eastern Texas and Red River Insurance company, with an amendment.

A bill to incorporate the Philosophian Society of Chappel Hill College, with an amendment.

A bill originating in the Senate, for the relief of Jacob Wilcox. That the Senate had appointed Senators Potter, Stockdale, Graham, Guinn and Sheppard a committee of conference to act with the House committee on the House

amendments to the Penal Code, and that the Senate concurs in House's amendments to

A bill donating 320 acres of land to Palo Pinto county.

A bill to extend the time for locating and returning to the General Land Office certificate No. 70 issued to Buffalo Bayou, and Colorado Railway Company.

A bill to provide a time for holding courts in 4th Judicial District.

A bill further regulating proceedings in the District Courts.

A bill to incorporate the Texas Baptist publication society, and

A bill to amend the first section of an act to create the county of Palo Pinto.

A bill to provide for the translation and printing of certain documents into the Spanish and German languages—taken up and read third time.

Mr. Norton proposed to amend by adding, and in the Norwegian language—adopted and bill ordered to be engrossed—rule suspended bill read third time and passed by the following vote:

YEAS.—Messrs Speaker, Aycock, Barnard, Bee, Bishop, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dennis, Doom, Edwards, Everett, French, Harris of Guadalupe, Harrison, Higgins, Howerton, Jennings, Johnson, Kittrell, Lacy, Lee, McKenney of Hopkins, Merriman, Murrah, Norton, Shannon, Smith of Fannin, Smith of Orange, Upshaw, Wælder and Walling—36.

NAYS.—Messrs Burnett, Carroll, Collier, Crook, Evans of McLennan, Fisher, Gaston, Harris of Titus, Hart, Henderson of Cass, Lesueur, Lewter, Lloyd, McKinney of Travis, Mills, Munson, Price, Roberts, Ross, Scott, Shelton, Tait, Ward and Wood—25.

Question pending when the House adjourned on yesterday evening, viz: The adoption of the report of the committee of the Whole; on a bill to be entitled an act to regulate proceedings in the county Courts pertaining to the estates of deceased persons, taken up, and the House adopted the report of the committee.

Mr. Buckley offered the following amendments which were adopted:

Sec. 99. Amend by striking out in second line the words "all sums not exceeding one," and insert in lieu thereof, "the first," and strike out in 4th line the words "sums exceeding

one thousand dollars," and insert in lieu thereof, "moneys;" in same line strike out "so."

In 5th line, same section, insert after the words "pay out," the words "over and above one thousand dollars."

Mr. Dennis offered a substitute for the 71st section of the bill which was adopted.

Mr. Everett offered the existing probate law as a substitute for the bill under consideration; ruled out of order by the Speaker; decision appealed from and Chair sustained.

Mr. Buckley offered the following amendment, to come in at the end of 20th section, which was adopted: "Provided that the provisions of this section shall not apply in cases whereby the terms of the will of the testator it is provided that the executor shall not be required to give bond and security."

Mr. Buckley offered a substitute for 100th section.

On motion of Mr. Wood, the main question was ordered and the substitute adopted by a vote of 46 yeas to 26 nays.

Question recurring on the engrossment of the bill as amended, the same was put and bill ordered to be engrossed.

On motion of Mr. Poag, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Speaker, Aycok, Barnard, Bee, Bishop, Buckley, Carroll, Chance, Chilton, Clow, Collier, Craig, Doom, Edwards, Fisher, French, Gaston, Hall, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Jennings, Kirk, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKinney of Hopkins, McKinney of Travis, Merriman, Mills, Munson, Norton, Poag, Powell, Price, Rainey, Rhodes, Roberts, Rogers, Ross, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Walling and Wood—57.

NAYS—Messrs. Brown, Cooley, Crook, Dennis, Evans of Austin, Evans of McLennan, Everett, Johnson, Joseph, Kinney, Lee, Murrah, Wælder and Waterhouse—13.

The Chair announced Messrs. Hart, Burks, Henderson of Cass, Runnels, McKinney of Hopkins, Smith of Fannin and Harris of Titus, a Select Committee on a bill for the reorganization of the 8th Judicial District.

Mr. Johnson, from the committee on Engrossed Bills, reported as follows:

Mr. Speaker,

Committee on Engrossed Bills have examined and report correctly engrossed:

A bill to be entitled an act to reorganize the sixteenth Judicial District, and define the times of holding Courts therein, and

A bill to be entitled an act supplemental to an act fixing the time for holding the District Courts in the 14th Judicial District.

THO. J. JOHNSON,

One of the committee.

Report received.

On motion, the House adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

On motion of Mr. Wood, a bill transferring the duties of County Clerks to Chief Justices, taken up.

Mr. Wood offered the following amendment, viz :

Sec. 5. That all Chief Justices shall keep their offices at the County Seat of their respective counties, and shall at all times be at their offices in person or by deputy, to perform all the duties heretofore required of Clerks of County Courts—adopted.

Mr. Price offered the following amendment : Add the word "Recorder," after the word "Deputy," in the third section.

Mr. Hart moved to amend the amendment by adding after the words "deceased persons," in —section, and add the words "and Judge of the county Courts."

Mr. Lee moved to refer the bill to a select committee.

On motion of Mr. Howerton, the motion re-refer was laid on the table.

Mr. McKinney of Hopkins, moved to indefinitely postpone the bill.

Mr. Howerton moved to lay the motion to postpone on the table—carried by a vote of 42 yeas to 21 nays.

Mr. Price withdrew his amendment.

Mr. Hart withdrew his amendment.

Mr. Wood offered a substitute for the 3rd section ; adopted.

Mr. Poag offered the following amendment : Insert after the words "give bond," where it first occurs in the 20th section, these words "with two or more good and solvent sureties which may be approved by the Commissioner of the County Courts"—adopted.

Mr. Wælder offered a new section to come in between the 3rd and 4th sections, which was adopted.

Mr. Henderson of Harris, moved to re-commit the bill to the committee on Probate Laws—lost.

Mr. Buckley moved to strike out “hereafter elected,” in the 1st section and insert, “from and after the first Monday in August next”—adopted.

Mr. Wælder moved to amend the caption by adding after the word act, “to abolish the office of Clerk of the County Court, and,”—adopted.

Mr. Evans of McLennan, offered an additional section to the bill, to be numbered 7.

Mr. Poag moved to reject the additional section—lost.

On motion of Mr. Howerton, the previous question was ordered—main question being on the adoption of Mr. Evans of McLennan amendment, the same was put and adopted. The question, then, recurring on the engrossment of the bill, the same was put and stood :

YEAS—Messrs. Speaker, Aycock, Buckley, Cleveland, Collier, Craig, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Henderson of Harris, Howerton, Jennings, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Lloyd, McKinney of Travis, Merri-man, Mills, Munson, Price, Rainey, Roberts, Rogers, Ross, Runnels, Scott, Smith of Fannin, Smith of Orange, Tait, Upshaw, Walling, and Wood—40.

NAYS—Messrs. Barnard, Bee, Bishop, Brown, Burks, Burnett, Carroll, Crook, Dennis, Doom, Evans of McLennan, Everett, Joseph, Kinney, Lee, McKenney of Hopkins, Murrah, Navarro, Poag, Reeves, Wælder, Waterhouse, and Witt—23.

So the bill was ordered to be engrossed.

A message was received from the Senate announcing the passage of the following bills originating in the House, viz :

An act to legalize the organization of Jack county.

An act to define the jurisdiction over certain Islands and tide water therein named.

An act to amend an act to create the county of Brown.

An act authorizing a change of a certificate in a certain case.

An act to incorporate the Nueces Bridge and Turnpike Company.

An act to amend an act to organize the county of Upshaw approved April 17th, 1846.

An act to locate permanently the county seat of Jack county.

An act to provide for permanently locating the seat of Justice of Angelina county.

Mr. Everett moved to adjourn until 9½ o'clock, A. M., to-morrow—lost.

Mr. Bee moved to suspend the rule that the bill to abolish the offices of County Clerks should be read a third and last time—carried by a vote of 53 yeas to 7 nays.

On motion of Mr. Jennings, a call of the House was ordered.

On motion of Mr. Henderson of Harris, the call was suspended.

Mr. Joseph offered the following amendment :

Amend by adding after the word estate, the following : For appointing an Executor, Administrator or Guardian, and approving bond, one dollar and for each decree for a partition and distribution, two dollars, and for examining and approving or setting aside the report of Commissioners of partition or distribution, two dollars.

On motion of Mr. Roberts, laid on the table.

Mr. Crook moved to postpone the consideration of the bill until the 15th inst.—lost.

Mr. Roberts moved a call of the House—carried.

On motion of Mr. Hart, the call was suspended.

And the bill passed by the following vote :

YEAS—Messrs. Aycock, Buckley, Cleveland, Clow, Collier, Gaston, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Washington, Henderson of Cass, Henderson of Harris, Howerton, Jennings, Kirk, Kittrell, Lacy, Latham, Lesueur, Lewter, Lloyd, McKinney of Travis, Mills, Merriman, Price, Roberts, Rogers, Ross, Runnels, Scott, Shelton, Smith of Fannin, Smith of Orange, Upshaw, and Wood—37.

NAYS—Messrs. Barnard, Bishop, Brown, Burks, Burnett, Carroll, Craig, Crook, Dennis, Doom, Evans of Austin, Evans of McLennan, Everett, Harrison, Joseph, Kinney, Lee, Murrah, Navarro, Norton, Poag, Rainey, Reeves, Tait, Wælder, Walling and Waterhouse—27.

On motion of Mr. Jennings, the House adjourned until 9½ o'clock, A. M., to-morrow.

AUSTIN, Wednesday, Feb. 3d, A. D. 1858.

House met pursuant to adjournment—roll called, no quorum.

On motion of Mr. Lacy, the Sergeant-at-arms was despatched for absent members.

Quorum present—Journal of yesterday read and adopted.

Mr. Chance asked leave to record his vote against the passage of a bill to transfer the duties of County Clerks to Chief Justices of County Courts. The House refused to grant leave.

The Senate's Joint Resolution, authorizing and requiring the Governor and Comptroller to contract for re-modeling and re-covering the Capitol and old Land Office, taken up.

Mr. McKinney of Travis offered the following amendments :

1st. Amend caption by adding "and re-modeling the galleries of the Capitol." Adopted.

2d. Insert after the word "manner," as follows : "and of fire-proof material, to be guaranteed to stand good for ten years. They shall also cause the galleries of each Hall in the Capitol to be remodeled, and seats prepared in them in such manner as to accommodate spectators." Adopted.

3d. Strike out "seven thousand five hundred," and insert "eight thousand." Adopted, and bill passed to a third reading ; rule suspended, bill read third time and passed.

Mr. Norton presented the petition of A. P. Wiley ; referred to committee on Public Buildings.

Mr. Upshaw moved to excuse Mr. Murrah from attendance on the House for the remainder of the session ; lost.

Mr. Dennis moved to excuse Mr. Kirk from attendance on the House from the 8th instant for the rest of the session.

No quorum having voted, Mr. Dennis withdrew the motion.

REPORTS OF STANDING COMMITTEES.

Mr. Kittrell, Chairman of committee on Education, made the following report :

February 3d, 1858.

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The committee on Education, to whom was referred a bill from the Senate to be entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane, have carefully examined the bill

in all of its features and details, and find it a good bill. By it the interests of the State will be fully guarded, and the comfort and protection of that unfortunate class of our people, who are to become the beneficiaries of the Institution, amply provided for. Besides this, under the kind and skillful medical treatment, which will be provided for the inmates of the Asylum, many a poor maniac, who has been bereft of reason, will, no doubt, be restored to the same, who might, otherwise, linger out a miserable existence, a burden to himself, and friends, and society. This consideration, alone, far outweighs all pecuniary considerations connected with the Institution, and places it in the front rank of the benevolent enterprises of our State, and strongly commends it to the favorable consideration of the Legislature. We, therefore, report the bill back and recommend its passage.

P. W. KITTRELL,

Chairman.

On motion, the rule was suspended, and bill taken up, read and passed to a third reading ; read third time and passed.

Mr. Waterhouse, one of the committee on Enrolled Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives,

The joint committee on Enrolled Bills have examined the following bills and resolutions, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature :

An act for the relief of Henry Hilton.

An act for the relief of the several school districts, trustees and patrons.

An act for the relief of Goodwin Killian.

An act authorising the cancelation of a certain contract for work to be done on Sabine river upon the execution of a new one by the parties mentioned herein.

An act to dispense with the use of scrolls and seals in certain cases.

An act to provide for the time of holding the courts of the several counties in the 4th Judicial District.

Joint Resolution, requesting our Senators and Representatives in Congress to use their influence to procure a line of mail coaches between Tyler and Waco.

An act to create the counties of Conche, Wichita, Coleman, &c., presented to the Governor on the 1st of February, 1858.

RICHARD WATERHOUSE,

February 2, 1858.

One of the committee.

Mr. Bee, Chairman of the committee on State Affairs, reported recommending the passage of a bill supplemental to an act to provide for the incorporation of towns and cities.

On motion of Mr. Bee, the report and bill taken up; bill read and passed to a third reading; rule suspended, bill read third time and passed.

Mr. Bee also reported recommending the passage of a bill to incorporate Corpus Christi Academy. Report received.

Mr. Buckley, Chairman of committee on Private Land Claims, reported recommending the passage of a Senate bill for the relief of John Johnson. Report received.

Also, reported recommending the indefinite postponement of a Senate bill granting 1280 acres of land, as a donation, to Juano N. Allsbury—the present Legislature having granted her a pension for life. Report received.

Mr. Wood, one of the committee on Private Land Claims, reported as follows, on the petition and bill for the relief of Austin College :

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was re-referred the petition and bill for the relief of Austin College, have carefully considered the same, and in addition to what is stated in their former report, they find, from the testimony of the Hon. M. F. Roberts, the member from Shelby, that George Butler, to whom the original title was extended by George Antonio Nixon, was a resident of the late Republic before the date of the declaration of Independence; that the said Butler only received the grant of a labor of land from the Republic on account of having received the grant of a league from the authorities of Coahuila and Texas, under the colonization laws. Mr. Roberts states that he was well acquainted with the said Butler; that he knew him as a member of the Board of Land Commissioners of Shelby county; that he is well acquainted with his signature, and has no hesitancy in saying that his signature to the transfer of the league claimed by the College, of date 1st day of March, 1836, (to Cunningham and Warren,) is genuine.

Senator Truitt was before the committee, and stated that he knew said Butler in 1840; states that the signature is genuine, having often examined the signature of said Butler to conditional certificates, signed by him while a member of the Shelby county Land Board.

Mr. Sanford of Shelby county was also before the committee, and corroborated the statements of Mr. Truitt.

The committee had before them a conditional certificate, signed by said Butler as one of the Land Board of Shelby county. They compared the same with the signature to the transfer to Cunningham and Warren, and they have no hesitancy in saying that they were made by the same person. The conditional certificate was procured from the General Land Office, and is genuine. It also appears, from the records of the General Land Office, that the said Butler has never received from the Republic or State of Texas but a labor of land. It appears, from a copy of the original title, including field notes in Spanish, that the same is recorded in Jefferson county. The land was located on the Sabine.

The committee have no doubt of the genuineness of the original title to said Butler. And as the College is the legal holder of the same by transfer, it is entitled to the land. Owing to defective field notes, the College cannot designate the land or realize its rights. The committee cannot conceive, under the circumstances, that the State will lose a foot of land by granting the relief prayed. The bill requires the College to surrender the original title for cancelation. The land covered by it reverts to the State, while the College is simply permitted to locate the same quantity in some other place.

The committee again recommend the passage of the bill.

WOOD,

One of the Committee.

Report received.

Mr. Lee, one of the same committee, reported recommending the passage of a Senate bill to authorize and require the Commissioner of the Court of Claims to issue certain head-right certificates. Report received.

Mr. Lee moved to suspend the rule and take up the bill and report; lost by a vote of 37 yeas to 27 nays.

Mr. Ross, one of the committee on Private Land Claims, reported recommending the passage of a Senate bill for the relief of the heirs of James Lastly. Report received.

Mr. Johnson, one of the committee on Engrossed Bills, reported as follows :

Mr. Speaker :

The committee on Engrossed Bills have examined and report correctly engrossed the following bills, to-wit :

A bill to be entitled an act making provision for translating and printing of certain General Laws into the Spanish, German, and Norwegian languages.

A bill to be entitled an act to provide for the boring of Artesian wells between the Nueces and Rio Grande.

A bill to be entitled an act to exempt ferry boats from execution or other forced sales.

Also a bill supplemental to and amendatory of an act to adopt and establish a Code of criminal procedure, approved August 26, 1856.

Report accepted.

Mr. Rainey, Chairman of committee on Internal Improvements, reported recommending the passage of a bill providing the manner in which the fund, set apart for the improvement of Buffalo Bayou, shall be expended. Report received ; rule suspended, bill taken up and ordered to be engrossed ; rule further suspended, bill read third time and passed.

Mr. Rainey also reported as follows, recommending the passage of a bill to incorporate the Texas Magnetic Telegraph Company :

To THE Hon. M. F. LOCKE,

Speaker House of Representatives :

A bill entitled an act to incorporate the Texas Magnetic Telegraph Company has been referred to the committee on Internal Improvements for its consideration. The committee are disposed to favor an enterprise of this character, as its operation will bring the extremes of the State into immediate contact, make neighbors of those now separated by hundreds of miles, and establish a social, commercial and political intercourse between far distant settlements, thereby concentrating the varied sections of the country into one consolidated community. But the committee concur in the opinion that enterprises of this description should be fostered and protected by private and not by public aid. They have, therefore, instructed me to report the bill again to the House, and recommend its passage, with the following amendments, to-wit :

1st. Insert the words "the constitution and" after the word "or," in the seventh line of the 5th section.

2d. Strike out all of the 14th section.

3d. Add to the last section, "and that the charter hereby granted shall expire in twenty years; and that this act shall take effect and be in force from and after its passage.

RAINEY,

Chairman.

Report received.

Also reported recommending that no further action be had on a bill to require the directors of railroad companies to publish their proceedings. Report received.

Mr. Buckley, Chairman of committee on Private Land Claims, reported recommending the passage of a Senate bill for the relief of John E. Mashburn. Report received.

Mr. Bee, Chairman of committee on State Affairs, reported recommending the passage of a Senate bill to incorporate the San Antonio Water Company. Report received.

Mr. Brown offered the following resolution :

Resolved, That the Chief Clerk be instructed to issue certificate for *per diem* pay to R. J. Clow, Representative from Jackson and Calhoun, from the first day of the session. Adopted.

ORDERS OF THE DAY.

On motion of Mr. Aycock, the rule was suspended, and a bill to authorize counties in the State to subscribe for stock in railroad companies, with a report from committee on Internal Improvement recommending a substitute for the bill, taken up and substitute adopted.

[Mr. REEVES in the Chair.]

Mr. Rainey offered the following as a substitute for fourth Section :

The County Court shall give notice, at least thirty days before said election, of the Road or Roads, and the portion of said Road or Roads, in which said stock is proposed to be taken, and upon which the same is to be expended; and the people shall, at said election, determine, by vote, upon what Road, and what particular portion of said Road or Roads, said subscription shall be expended.

Mr. Henderson of Harris arose, and was discussing the amendment, when Mr. Everett called him to order, stating that he had consumed the five minutes time allowed him

under the rule. The Chair decided that a majority vote could give the gentleman leave to proceed with his remarks. Mr. Everett appealed from the decision. The question was put and the Chair sustained.

Mr. Henderson of Cass moved to lay the bill and amendment on the table.

On motion of Mr. Wælder, a division of the question was ordered, and the amendment was laid on the table by the following vote :

YEAS—Messrs. Speaker, Aycock, Barnard, Bishop, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Crook, Dennis, Doom, Edwards, Evans of McLennan, Hall, Harris of Guadalupe, Harris of Titus, Henderson of Cass, Howerton, Jennings, Joseph, Kirk, Kittrell, Lacy, Latham, McKenney of Hopkins, Mills, Norton, Poag, Price, Reeves, Rogers, Ross, Smith of Orange, Upshaw, Wælder and Walling—38.

NAYS—Messrs. Bee, Burnett, Chilton, Clow, Cooley, Craig, Dalrymple, Everett, Fisher, Gaston, Harrison, Haynes of Washington, Higgins, Johnson, Lee, Lesueur, Lewter, Lloyd, McKinney of Travis, Merriman, Munson, Navarro, Rainey, Rhodes, Roberts, Shannon, Shelton, Smith of Fannin, Witt and Wood—30.

The question recurring on laying the bill on the table, the same was put and the House refused to lay the bill on the table by the following vote :

YEAS—Messrs. Speaker, Barnard, Burks, Burnett, Carroll, Chance, Chilton, Clow, Cooley, Craig, Everett, Fisher, Gaston, Harris of Titus, Hart, Haynes of Washington, Henderson of Cass, Higgins, Johnson, Lee, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Merriman, Poag, Price, Rainey, Reeves, Roberts, Runnels, Scott, Shannon, Shelton, Smith of Fannin and Witt—36.

NAYS—Messrs. Aycock, Bishop, Brown, Buckley, Cleveland, Collier, Crook, Dalrymple, Dennis, Doom, Edwards, Evans of McLennan, Hall, Harris of Guadalupe, Harrison, Henderson of Harris, Howerton, Joseph, Kirk, Kittrell, Lacy, Latham, Lesueur, Mills, Munson, Navarro, Norton, Rhodes, Rogers, Ross, Smith of Orange, Tait, Upshaw, Wælder, Walling, Waterhouse and Wood—37.

Mr. Latham moved to adjourn until 7 1-2 o'clock P. M ; lost.

On motion of Mr. Brown, the vote passing a bill to create the county of Chambers was reconsidered.

Mr. Edwards, by leave, presented the petition of sundry citizens of Harris county; referred to committee on Counties and County Boundaries.

A message was received from the Senate, announcing that that body had suspended all rules and passed a bill to regulate the public printing, and asked a like action on the part of the House.

On motion of Mr. Brown, the House adjourned until 3 o'clock P. M.,—pending the engrossment of a bill to allow counties to take stock in Railroad Companies.

3 O'Clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Bill pending when the House adjourned was again taken up.

Mr. Aycock offered the following amendment to section 5th :

“Provided that such taxes shall be paid in said county.”

House refused to adopt the amendment.

Mr. McKinney of Travis proposed to amend by striking out “legal voters,” wherever it occurs in the bill, and insert “freeholder ;” lost.

Mr. Shannon proposed to amend as follows :

“Provided that no county shall be permitted to take stock in any railroad enterprise except by an unanimous vote of said county.”

The House refused to adopt the amendment by a vote of 32 yeas to 37 nays.

On motion of Mr. Reeves, the main question was ordered, and the House refused to engross the bill by the following vote:

YEAS—Messrs. Aycock, Cleveland, Crook, Dalrymple, Doom, Edwards, Evans of Austin, French, Harris of Guadalupe, Howerton, Joseph, Kirk, Kittrell, Lacy, Latham, Lesueur, Merriman, Munson, Navarro, Norton, Rogers, Ross, Smith of Orange, Upshaw, Walling and Waterhouse—26.

NAYS—Messrs. Speaker, Barnard, Bishop, Brown, Buckley, Burks, Carroll, Chance, Chilton, Clow, Collier, Cooley, Craig, Dennis, Everett, Fisher, Gaston, Hall, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Jennings, Johnson, Kinney, Lee, Lewter, Lloyd, McKenny of Hopkins, McKinney of Travis, Poag, Powell, Price, Rainey, Reeves, Rhodes, Ro-

berts, Runnels, Scott, Shannon, Shelton, Smith of Fannin, Tait, Wælder, Witt and Wood—48.

Mr. Harrison moved to reconsider the vote just taken.

Mr. Chilton moved to lay the motion on the table.

On motion of Mr. Wælder, a call of the House was ordered.

Absentees—Messrs. Baldwin, Bee, Burks, Crawford, Dalrymple, Evans of McLennan, Higgins, Jennings, Mills, Murrah, and Witt.

On motion the sergeant-at-arms was dispatched for absent members.

On motion of Mr. Dennis the call was suspended.

Mr. Henderson of Harris moved to adjourn until 7 1-2 o'clock P. M.; lost.

On motion of Mr. Wælder, a call of the House was ordered.

Absentees—Messrs. Baldwin, Bee, Burks, Chilton, Crawford, Dalrymple, Evans of McLennan, Harris of Titus, Haynes of Starr, Jennings, Murrah, Poag, Reeves, Rhodes, Upshaw, Witt and Wood.

On motion of Mr. Wælder, the call was suspended.

Mr. Henderson of Harris moved to adjourn until 9 1-2 o'clock, A. M., to-morrow; lost by a vote of 17 yeas to 49 nays.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed "A bill to be entitled an act to regulate proceedings in the County Courts pertaining to deceased persons."

Also reported as correctly engrossed "A bill entitled an act to abolish the office of Clerk of the County Court, and transferring the duties, heretofore required of the Clerks of the County Courts, to the Chief Justices."

On motion of Mr. Wælder, a call of the House was ordered.

Absentees—Messrs. Baldwin, Bee, Burks, Crawford, Dalrymple, Everett, Evans of McLennan, Haynes of Starr, Haynes of Washington, Jennings, Murrah, Rogers and Witt.

Mr. Shannon moved to suspend the call; lost.

Mr. Wood moved to suspend the call; lost.

Mr. Crook moved to adjourn until 7 1-2 P. M.; lost.

Mr. Crook moved to adjourn until 9 1-2 A. M. to-morrow; lost.

On motion of Mr. Wælder, the call was suspended.

The question then recurring on the motion of Mr. Chilton to lay the motion to reconsider on the table, the same was put and stood :

YEAS.—Messrs. Speaker, Barnard, Bishop, Brown, Buckley, Carroll, Chance, Chilton, Clow, Collier, Cooley, Craig, Crook, Evans of Austin, Everett, Fisher, Gaston, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Washington, Henderson of Cass, Higgins, Johnson, Lacy, Lee, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Merri-man, Munson, Poag, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Runnels, Scott, Shannon, Shelton, Smith of Fannin and Tait—45.

NAYS.—Messrs. Aycock, Cleveland, Doom, Edwards, Hall, Harrison, Howerton, Jennings, Joseph, Kinney, Kirk, Kittrell, Latham, Lesueur, Mills, Norton, Ross, Upshaw, Walling and Wood—20.

So the motion was laid on the table.

Mr. Craig moved to take up the University Bill.

Mr. Chilton moved to adjourn until to-morrow, 9 1-2 A. M.; carried by a vote of 36 yeas to 25 nays.

Pending Mr. Craig's motion to take up the University Bill.

AUSTIN, February 4th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

PETITIONS.

Mr. Norton presented the petition of J. M. Noble and others; referred to committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Gaston, Chairman of a Select committee, by leave, reported as follows:

Hon. F. M. LOCKE,

Speaker of the House of Representatives:

The Select committee to whom was referred a bill for the protection of the Sabbath day, or day commonly called Sunday, have had the same under consideration, and instruct me to report:

The committee are unanimously of the opinion that the time has arrived in the history of Texas when some such law as is proposed in the bill, should be written upon her Statute Books. It would be but following the example of the older States, which have long since adopted similar laws for the protection

of the Sabbath day. The necessity for such a law must be apparent to every one who takes a proper view of the subject.

It cannot be denied that in many places, there are persons who are so regardless of the common restraints of religion and morality, that without the interposition of the strong arm of the law, they are continually marring the peace and quietude of society. Such a law is demanded by many citizens of the State. Petition after petition is coming up to every session of the Legislature, from different sections of the State upon this subject, and at this time there are petitions upon the Speaker's desk, signed by hundreds of ladies of the highest respectability, asking that a law may be passed to prevent the desecration of that holy day, and will their representatives still turn a deaf ear to their petitions, and pass them by unheeded, and refuse to wipe out the foul blot that has been made upon the moral character of our citizens? It is hoped they will not—in view of these facts and many others which might be mentioned, and as the session is drawing near to a close, the committee hope the House will take immediate action upon the bill. And although it may not be as perfect as might be desired, yet it is hoped it will have a good effect upon society; therefore, they report the bill back to the House and recommend its passage; report received.

Mr. Lewter, Chairman of committee on Roads, Bridges and Ferries, reported, recommending the passage of a bill to authorize the Tellico Manufacturing Company, to construct and maintain a Toll Bridge across Trinity river; report received.

Mr. Waterhouse one of committee on Enrolled Bills, reported as follows:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The Joint Committee on Enrolled Bills, have examined the following bills and find them correctly enrolled, properly signed and this day presented to the Governor for his approval and signature:

An act to incorporate the Texas Baptist Publication Society.

An act to extend the time for locating and returning to the General Land Office certificate No. 70, issued to the Buffalo Bayou, Brazos and Colorado Valley Railroad Company, and other certificates hereinafter mentioned.

An act donating 320 acres of land to the county of Palo Pinto.

An act to amend the first Section of an act entitled an act to create the county of Palo Pinto.

An act further regulating proceedings in the District Courts.

An act defining the seventh Judicial District, and the time of holding Courts in the same.

An act granting a pension to Juana Navarro Alsbury.

An act defining the time of holding Courts in the eighteenth Judicial District.

An act authorizing a change of certificate in a certain case.

An act to incorporate the Nash Iron, Steel and Copper Manufacturing Company in Cass county.

An act to define the jurisdiction over certain tide water and Islands therein named.

An act to amend an act entitled an act to organize the 17th and reorganize the 2nd Judicial District, and define the time of holding Courts therein, passed September 1st, 1856.

An act to provide for permanently locating the county Seat of Angelina County.

An act for the relief of the heirs of Wm. Freer, deceased.

An act to amend an act to organize the county of Upshaw, approved April 27th, 1846.

An act for the relief of Wm. Parmer, or his assignees.

An act extending the appropriations and the times for making the contracts for letting out the improvements for certain rivers and other navigable waters of Texas, under the provisions of an act entitled an act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas, by making appropriations for the same, passed August 1st, 1856, and the act amendatory and supplementary thereto, approved August 23rd, 1856.

RICHARD WATERHOUSE,

One of the Committee.

3rd February, 1858.

Report accepted.

A message was received from the Senate announcing the passage of the following bills :

A bill more particularly to declare and define the homestead exempt from forced sale.

A bill to provide for the purchase of an additional supply of Texas reports.

A Joint Resolution authorizing the Comptroller to pay to S. A. Maverick, Treasurer of the San Antonio and M. G. R. R. Company, the funds of said Company.

A Joint Resolution relative to the portrait of the late Abner S. Lipscomb, and

A bill originating in the House, for the relief of Terrasa Highsmith ; and that the Senate had concurred in the amendments of the House to a bill to authorize the Governor and Comptroller to contract for remodeling and recovering the Capitol and old Land Office.

BILLS AND RESOLUTIONS.

Mr. Rhodes offered the following resolution :

Resolved, That members who have been excused for the remainder of the Session, shall be entitled to pay to the end of the Session as tho' they had been in attendance upon the House for the whole time.

On motion of Mr. Harris of Titus, laid on the table by a vote of 43 yeas 21 nays.

Mr. McKinney of Travis, introduced a Joint Resolution relative to the pay of members who have been excused ; read 1st time.

Mr. Jennings moved to suspend the rule in order to read the resolution a second time—lost.

Mr. Kinney presented the petitions of James B. Wells, and of the heirs of Vice President, De Zavala ; both referred to committee on State Affairs.

A message was received from the Senate announcing to the House that the Senate had passed a bill to relinquish the right of the State to certain lands therein named.

Munson, Chairman of a Select committee, to examine into the force now employed in the Land Office and Comptroller's Office, reported as follows :

AUSTIN, February 4th, 1858.

To the President of the Senate, and

Speaker of the House of Representatives:

The Joint Committee composed of three members from the House and two from the Senate, whose duty it was to examine the Offices of the General Land Office, Commissioner of Claims, Secretary of State, Comptroller, and Treasurer, and to ascertain the number of employees of each Office, and their respective salaries, and report the same ; and also, whether it will be expedient to dispense with the services of any of such employees, have examined into the condition of said Offices, the number of employees and the various duties of the same, so far as time and circumstances would admit.

But your committee have necessarily been compelled to rely much upon data and statements as furnished them by the heads of the various departments in preparing this report, which they respectfully submit for the consideration of the House.

There are at this time seven Draftsmen and twenty Clerks employed in the General Land Office, exclusive of the Chief Clerk, Translator, one Clerk and a Draftsman who are now employed in preparing an abstract for the Comptroller's Office. The present operative force of the Office consists of

One Principal Draftsman.

Two Assistants to pass upon field notes.

One Calculator.

Two Compilers.

One Copyist.

One Receiver.

One Examiner.

One Corresponding Clerk.

Three Assistants to attend upon visitors.

One Register of field notes.

One " " letters.

One " " applications.

One Endorser of field notes.

One " " patents.

One Copying Clerk.

Four Patenting Clerks.

Four Recorders.

This force does not issue more than five thousand patents in twelve months. The Report of the Commissioner shows that there were 11,023 surveys returned in the two years ending 31st October, 1959 ; and that at that time there were 23,772 unpatented surveys on file. If the business continue to increase in the same ratio for the next two years, and there is not a material increase in the issue of patents, the Office will be much encumbered in its business. An act passed at the present session of the Legislature, constituting each county a separate land district, will much increase the labor of the Draftsmen's Department, as each new county will require a map of the surveys within its limits, which, in most instances, can only be obtained at the General Land Office.

The Commissioner is of opinion, that four additional Draftsmen and six Assistant Clerks, will enable the Office to issue annually, double the amount of patents now issued, and bring

up the whole work by the sitting of the next Legislature. The necessity of such a state of things must be obvious to all. It would dispense with an immense deal of correspondence, and all of the time now consumed in hunting up papers filed away for years. If the Office is unincumbered with old business, the moment a claim is returned, it can be examined, passed upon, and patented, or its defects ascertained, and the proper parties promptly advertised of the facts. Thus protecting many innocent parties against the danger of delay where defect in title exists.

In the Comptroller's Office, there is one Chief Clerk and six Assistant Clerks, whose duties are as follows :"

The Chief Clerk under the act of Feb. 10th, 1852, which defines his duties to be, "to keep the books of said Office and discharge the duties of the Comptroller whenever said Office is vacant, &c."

The Warrant Clerk, draws all warrants on the Treasury, and keeps an account of the disbursements on each appropriation.

The Tax Clerk, makes out tax receipts, and answers letters upon that subject.

The Assessment Clerk examines the assessment rolls as received from the Assessors, notifies them of the correction of errors, and consolidates the whole by a recapitulation of each taxable item at the end of the roll.

The Comparison Clerks, (there are three of them,) compare the assessment rolls with the abstract of land titles to ascertain on what lands the taxes are not paid which is a laborious duty, and requires two years and a half to complete the examination of one years assessment. For the years 1850 and 1851, that comparison has been fully made. For the years 1852, 1853, and 1854, it has been but partially made, while for the years '55, '56 and '57, no comparison has yet been made. By the employment of two additional Clerks in this Department, it is believed that all the work of the office can be brought up within the next fifteen months.

It is a matter of common interest to the entire State that the work of both these Offices should not be delayed, and as it will in the end, cost the State no more to bring up the business in one or two years, than to be working at it for ten or fifteen ; we are induced to make the before mentioned recommendation for an increase of force in each Office as being best for the common good of the people and the State.

All of which is most respectfully submitted for the consideration of the two Houses.

M. S. MUNSON,
Chairman on the part of the House.

M. D. K. TAYLOR,
On part of the Senate.

On motion of Mr. Brown, the rule was suspended, and a bill to create the county of Chambers county, taken up ; when Mr. Brown offered the following amendments :

1st. Strike out all between the word "beginning," in 3rd line, 1st Section, to end of 5th line, and insert "At the east corner of Galveston county on the Gulf of Mexico, thence following the southern and Western boundary of Liberty."

2d. In 10th line, 1st Section, strike out "eight," and insert "four."

3rd. Strike out all after the word "to," in 13th line, to the word "the," in 14th line ; adopted and bill passed.

Mr. Locke introduced a bill to be entitled an act to construe the 2d Section of an act supplementary to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, passed by the 7th Legislature ; read first time, rule suspended, read second time and ordered to be engrossed ; rule further suspended, read third time and passed by a two-third vote.

Mr. Wood moved to reconsider the vote referring the petition of A. P. Wiley, to committee on Public Buildings ; carried.

Mr. Kittrell moved to reject the petition—withdrawn ; and,

On motion of Mr. Rainey, the petition was referred to a Select committee of five.

Mr. Wælder moved to proceed to the consideration of the unfinished business of yesterday—carried.

On motion of Mr. Brown, the House adjourned to 3 o'clock, P. M.

Pending Mr. Craig's motion to suspend the rule to take up a bill to establish the Texas University.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—no quorum. Absentees :

Baldwin, Bee, Brown, Chance, Chilton, Clow, Cooley, Crawford, Dalrymple, Evans of Austin, Everett, Hall, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of

Cass, Hendersen of Harris, Higgins, Johnson, Kinney, Kirk, Latham, McKenney of Hopkins, Murrah, Navarro, Poag, Roberts, Upshaw and Waterhouse. A quorum being present, the Speaker announced the following select committee on the petition of A. P. Wiley, viz : Messrs. Rainey, Cleveland, Powell, Wood and Fisher.

Question pending when the House adjourned, viz : Mr. Craig's motion to suspend the rule to take up the Texas University bill, taken up ; the yeas and nays being demanded, stood thus :

YEAS—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Burnett, Cleveland, Collier, Craig, Dalrymple, Dennis, Edwards, Evans of McLennan, Evans of Austin, Fisher, Harde-man, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Jennings, Joseph, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Powell, Price, Rogers, Smith of Orange, Upshaw, Wælder, Witt and Wood—38.

NAYS—Messrs. Barnard, Bishop. Burks, Crook, Doom, Gaston, Harris of Titus, Harrison, Hart, Lacey, Lewter, Lloyd, Norton, Reeves, Rhodes, Roberts, Ross, Runnels, Scott, Shannon, Shelton and Walling—22.

So the House refused to suspend the rule.

The Tax Bill which was under consideration on a former day, and being unfinished business, taken up ; and,

Mr. Dennis moved to postpone the consideration of the bill until Monday next.

Mr. Reeves moved to lay the motion to postpone on the table—lost by a vote of 26 yeas to 39 nays.

Question recurring on the motion to postpone, the same was put, and the bill postponed by a vote of 40 yeas to 28 nays.

The special order having precedence, to-wit : A bill to establish the University of Texas, taken up.

A message was received from the Senate announcing the passage by that body of a bill to incorporate the San Antonio Cotton and Woollen Manufacturing Company.

A bill granting to Abner C. Davis, pay for services in the Army of the Republic of Texas.

A bill to amend the 3rd, 9th and 10th Sections of an act incorporating the Clarksville and Mount Pleasant Turnpike Company, and

A bill to authorize the Tellico Manufacturing Company to construct and maintain a Toll Bridge across the Trinity river.

Mr. Rainey offered the following amendment to the University bill :

“ Provided, said University shall be located between the Brazos and Trinity rivers, and between the 31st and 33d parallel of North latitude.”

Mr. Ross offered the following substitute for the amendment:

Section 14. It shall be the duty of the Governor by and with the advice and consent of the Senate, to appoint three Commissioners, one of whom lives East of the Trinity river, one between the Trinity and Brazos rivers and one West of the Brazos, whose duty it shall be to select and designate a site for said University, and in making said location they shall take into particular consideration the convenience of wood and water, and healthy locality with convenience for communication in different directions ; provided, that said location shall be situated between the Trinity and Brazos rivers, and between 31st and 33d of north-latitude, and make due return of the same to the Governor.

Mr. Lesueur moved to adjourn until 9½ o'clock, A. M., tomorrow ; the yeas and nays being demanded, the House refused to adjourn by a vote of 22 yeas to 51 nays.

Mr. Powell moved to lay the substitute on the table.

Mr. Bee moved the previous question.

Mr. Poag moved to adjourn until 7 o'clock—lost.

On motion of Mr. Doom, a call of the House was ordered.

Mr. Burnett moved to adjourn until 9 o'clock, A. M., tomorrow—lost.

Absentees—Messrs. Baldwin, Bishop, Chilton, Crawford, Dalrymple, Evans of Austin, Harris of Titus, Henderson of Harris, Jennings, Johnson, Latham, McKenney of Hopkins, Reeves, Rogers, Witt and Wood.

Mr. Norton moved to send the Sergeant-at-Arms for absentees—lost.

Mr. Everett moved to adjourn until 8 o'clock, P. M.—lost.

Mr. Lesueur moved to adjourn until 8½ o'clock, P. M.—lost.

Mr. McKinney of Travis, moved to suspend the call—lost.

Mr. Henderson of Cass, moved to adjourn until 7¾ o'clock, P. M.—lost.

Mr. Fisher moved to suspend the call—lost.

Mr. Bee moved to adjourn until 9 1-2 o'clock, A. M., tomorrow—lost.

Mr. Dennis moved to send the Sergeant-at-Arms for absentees—lost.

Mr. Kinney moved to adjourn until 9 $\frac{3}{4}$ o'clock, to-morrow, A. M.—lost.

On motion of Mr. Bee, the Sergeant-at-Arms was dispatched for absent members.

On motion, the call was suspended.

Mr. Powell withdrew his motion to lay on the table.

Mr. Bee withdrew his motion for the previous question.

The question recurring on the adoption of Mr. Ross' substitute, the same was put and stood thus :

YEAS—Messrs. Speaker, Aycock, Bishop, Burks, Burnett, Carroll, Collier, Crook, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Scott, Shannon, Shelton, Waterhouse and Wood—31.

NAYS—Messrs. Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dennis, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes Washington, Higgins, Howerton, Joseph, Kinney, Kittrell, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Smith of Orange, Tait, Upshaw and Wælder—36.

So the House refused to adopt the substitute.

The question then recurring on Mr. Rainey's amendment, the same was put and the House refused to adopt the amendment by the following vote :

YEAS—Messrs. Speaker, Aycock, Bishop, Burks, Burnett, Carroll, Collier, Crook, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Kittrell, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Runnels, Scott, Walling, Waterhouse and Wood—34.

NAYS—Messrs. Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Star, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Smith of Orange, Tait, Upshaw and Wælder—38.

Mr. Doom proposed to amend as follows :

“Strike out 50 leagues appropriated by the Congress of Texas in 1839.”

The House refused to adopt the amendment by a vote of 25 yeas to 43 nays.

Mr. Ross offered a substitute for the 12th section, as follows :

“The administrators shall once in two years elect a treasurer, who shall give bond in the sum of \$200,000 for the performance of his duty, approved by the President, and whose duty it shall be to collect and disburse the funds of the University, under the direction of the Board of Administrators.”

The House refused to adopt the amendment by a vote of 25 yeas to 42 nays.

Mr. Lewter proposed the following as an additional section :

“And should such University be located East of the Trinity River, there shall be established West of the same, a literary college of equal rank and endowment with the literary department of the University. But if the University should be located West of said River, then such College shall be established East of the same.

The question being on the adoption of the amendment, the same was put, and stood thus :

YEAS.—Messrs. Speaker, Bishop, Burnett, Chilton, Doom, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Jennings, Johnson, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Rainey, Ross, Runnels, Walling, Waterhouse and Witt—23.

NAYS.—Messrs. Aycock, Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Fisher, Everett, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Navarro, Powell, Price, Reeves, Rhodes, Roberts, Rogers, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder and Wood—47.

Mr. Hart proposed a substitute for first section of the bill.

The House refused to adopt the substitute by the following vote :

YEAS—Messrs. Barnard, Bishop, Burks, Burnett, Doom, Gaston, Harris of Titus, Harrison, Hart, Jennings, Johnson, Kirk, Lacy, Lewter, McKenney of Hopkins, Norton, Rainey, Rhodes, Ross, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—25

NAYS—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis,

Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell, Price, Reeves, Roberts, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw and Wælder—47.

Mr. Walling moved to “strike out 25 leagues of the land heretofore set apart for the establishment of two Colleges, or University, by the Republic of Texas in the year 1839, and appropriate 30 leagues of the unappropriated Public domain of the State.” Lost.

Mr. Norton offered the following amendment : Amend section 9th, so as to read as follows :

“Sec. 9. Instruction at the University, and boarding, lodging, clothing and washing, and other necessary expenses of the student, shall be free.”

The House refused to adopt the amendment by the following vote :

YEAS—Messrs. Barnard, Bishop, Burnett, Doom, Evans of McLennan, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, Lesueur, Lewter, McKenney of Hopkins, Norton, Rainey, Reeves, Rhodes, Roberts, Ross, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—27.

NAYS—Messrs. Aycock, Bee, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell, Price, Rogers, Runnels, Smith of Fannin, Smith of Orange, Tait, Upshaw and Wælder—45.

Mr. Chilton moved to reconsider the vote refusing to adopt the amendment of Mr. Walling ; lost by the following vote :

YEAS.—Messrs. Barnard, Bishop, Burnett, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, Lesueur, Norton, Rainey, Reeves, Rhodes, Ross, Runnels, Shelton, Walling, Waterhouse and Wood—22.

NAYS—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Washing-

ton, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell, Price, Rogers, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder and Witt—46.

Mr. Wood offered the following amendment :

“The Treasurer of the State shall be required to give bond, with two or more sufficient sureties, to be approved by the Governor, in the sum of \$200,000, conditioned for the faithful performance of his duties as Treasurer of the University.”

The House refused to adopt the amendment by the following vote :

YEAS—Messrs. Bishop, Burnett, Doom, Evans of McLennan, Harris of Titus, Harrison, Hart, Jennings, Johnson, Kirk, Lacy, Lesueur, Lewter, Lloyd, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—28.

NAYS—Messrs. Barnard, Bee, Brown, Buckley, Burks, Chance, Cleveland, Collier, Craig, Dalrymple, Edwards, Evans of Austin, Everett, Fisher, Hall, Hardeman, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw and Wælder—40.

Mr. Harrison moved to amend by striking out \$100,000, and inserting \$50,000; lost.

Mr. Norton offered the following amendment :

Amend by striking out of the 4th section, “Surgery and Medicine,” “Ethics,” “the law of Nature, of Nations, and Municipal law.”

The House refused to adopt the amendment.

Mr. Rhodes offered the following amendment :

“Sec. —. The said University shall be located at the city of Austin.”

On motion of Mr. Price, laid on the table.

Mr. Norton, offered the following amendment :

Insert after “administrator,” wherever it occurs, “or executors.”

House refused to adopt.

Question recurring on the passage of the bill to a third reading, the same was put, and the bill passed to a third reading by the following vote :

YEAS.—Messrs. Aycock, Bee, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Rainey, Rogers, Ross, Shelton, Smith of Fanin, Smith of Orange, Tait, Upshaw, Wælder and Witt—52

NAYS—Messrs. Speaker, Barnard, Bishop, Burnett, Doom, Gaston, Harrison, Hart, Kirk, Lacy, Lewter, Lloyd, Norton, Poag, Reeves, Rhodes, Roberts, Shannon, Walling and Waterhouse—20.

Mr. Henderson of Harris moved a suspension of the rule to put the bill on its final passage; lost by a vote of 52 yeas to 24 nays.

On motion, the House adjourned until 9½ o'clock, A. M., to-morrow.

AUSTIN, February 5, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

A message was received from the Senate announcing the passage by that body of the following bills:

A bill making appropriations to supply the deficiency in former appropriations, and for other purposes.

A bill supplemental to and amendatory of an act to ascertain the legal claims for money and land against the State; passed August 1st, 1856, approved January 16th, 1858.

A bill for the relief of William Lee.

A bill for the relief of John E. Scrimph.

And that the Senate had concurred in the amendment of the House to a bill to create the county of Chambers.

REPORTS OF STANDING COMMITTEES.

Mr. Jennings, Chairman of the Judiciary committee reported as follows:

The Judiciary committee, to which was referred a bill to provide for revising, digesting and arranging the laws of the

State of a civil nature, have considered the same, and instruct me to report the accompanying substitute, and recommend its passage ; report received.

Mr. Wælder moved to suspend the rule in order to take up the report and bill—lost.

Mr. Buckley, Chairman of Committee on Private Land Claims, reported, recommending the passage of a Senate bill, for the relief of Joseph E. Field ; report received.

Mr. Lewter, Chairman of committee on roads, bridges and ferries; reported recommending the passage of a bill to repeal an act authorizing the county court of Brazoria county to establish, discontinue and regulate public and private roads, &c., and the act supplemental to and amendatory of the same.

On motion of Mr. Munson, the rule was suspended, and bill taken up, read and passed to a third reading, rule suspended, bill read third time and passed.

Also reported, recommending the passage of a bill to incorporate the Gaudalupe Bridge Company, report and bill taken up, read and passed to a third reading, rule suspended, bill read third time and passed by a two-third vote.

Also, reported recommending the passage of a Senate bill, to incorporate the Marcelina mill and manufacturing and bridge company ; report received.

Mr. Waterhouse, one of the committee on enrolled bills made the following report :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The Joint committee on Enrolled bills have examined the following bills and resolutions, and find them correctly enrolled, properly signed, and presented to the Governor for his approval and signature.

An act supplementary to and amendatory of an act providing for the support of schools, approved 29th August, 1856.

An act to provide relief for pre-emption settlers, and their assignees, under the acts of 22d January, 1845, the act of the 7th February 1853, and the act of the 13th February, 1854, and actual settlers in the Mississippi and Pacific Railroad reservation.

An act for the permanent location of the Institution for the Deaf and Dumb of the State.

An act for the relief of James A. Yeoman.

An act to create the county of Brown.

An act to legalize the organization of Jack county.

An act to locate permanently the county seat of Jack county.

An act for the relief of Jacob H. Shepherd.

An act to amend the charter of the San Antonio navigation Company, passed 29th August 1856.

An act to amend the second section of an act entitled an act to incorporate the town of Orange, (formerly called Madison,) in the county of Orange, passed September 1st, 1856.

An act to re-organise the thirteenth Judicial District, and to fix the times of holding the courts therein.

An act to change the names of certain towns therein named.

An act for the relief of pre-emption settlers under the acts of January 22d, 1845, February 7th, 1853, and February 13th 1854, 5th February, 1858 ; report accepted.

Mr. Johnson, chairman of committee on Engrossed bills, reported correctly engrossed a bill providing the manner in which the fund set apart for the improvement of the Buffalo Bayou shall be expended ; report received.

Mr. Norton offered the following resolution :

Resolved, by the House of Representatives, the Senate concurring, that the Legislature of the State of Texas adjourn, *sine die* on Tuesday morning February 9th, at 10 o'clock, A. M.

On motion of Mr. Howerton, the resolution laid on the table by a vote of 42 yeas to 29 nays.

A bill to incorporate the Fire Association of San Antonio, with an amendment from the Senate, taken up and amendment agreed to by the House.

The following Senate bills, on their first reading were taken from the Speaker's stand, and disposed of as follows :

A bill for the relief of William Lee, read 1st and 2d times, and passed to a third reading, rule suspended, bill read 3d time and passed.

A bill supplemental to and amendatory of an act to ascertain the legal claims for land and money against the State, passed August 1st 1856, approved January 16th, 1858, read first and second times and referred to Judiciary committee.

A bill making appropriations for the use and support of the State Government for the years 1858 and 1859, read first and second times and referred to Finance Committee.

A bill making appropriations to supply the deficiency in

former appropriations and for other purposes, read first and second times and referred to Finance committee.

A bill to be entitled an act for the relief of John E. Schrimph, read first and second times and referred to committee on Private Land Claims.

A bill to provide for the purchase of an additional supply of Texas Reports, read first and second times, and referred to the committee on the Judiciary.

A Joint Resolution authorizing the Comptroller to pay to S. A. Maverick, treasurer of the San Antonio and Mexican Gulf Railroad Company, the funds of said company ; read first and second times and passed to a third reading, rule suspended read third time, when

Mr. Brown offered the following amendment :

“Provided, that so much of said amount as may have been paid in by the Assessor and Collector of Travis county, shall be retained in the Treasury, until the determination of the suit now pending against the sureties of said Assessor and Collector, so far as said suit relates to said amount.”

On motion of Mr. Clow, laid on the table, and bill passed.

A Joint Resolution, relative to the portrait of the late Abner S. Lipscomb ; read first and second times, and passed to a third reading, rule suspended, read third time and passed.

A bill to be entitled an act more particularly to declare and define the homestead exempt from forced sale, read first and second times and referred to committee on the Judiciary.

A bill to be entitled an act to relinquish the right of the State to certain lands therein named, read first and second times and laid on the table for the present.

A bill to be entitled an act to require the Commissioner of the General Land Office to charge fees in certain cases, read first and second times and referred to the committee on the Land Office.

A bill to be entitled an act for the relief of Jacob Wilcox, read first and second times and referred to the committee on Public Debt.

A message was received from the Senate informing the House that the Senate had passed a bill supplemental to the Charter of the Aransas Road Company, and

A bill to be entitled an act to extend the provisions of an act to restore lands sold for taxes and purchased by the State

to the former owners on certain conditions, approved Feb. 5th 1856.

And that the Senate had passed the following bill originating in the House, viz :

A bill to be entitled an act to re-organize the 16th Judicial District, and to define the times of holding courts therein."

A bill to be entitled an act providing the manner in which the fund set apart for the improvement of Buffalo Bayou shall be expended, and

A Joint Resolution recognizing P. W. Humphreys as commander in the late navy of Texas, at the date of the annexation of Texas to the United States.

Senate bills on first reading continued.

A bill to be entitled an act to regulate the Public Printing, read first and second times and referred to the committee on Printing.

A bill to authorize the Tellico manufacturing company to construct and maintain a toll bridge across the Trinity river.

On motion of Mr. Lewter the bill was substituted for that of the House having same objects, and passed to a third reading, rule further suspended, read third time and passed by a two-third vote.

A bill to amend the 3d, 9th and 10th sections of an act incorporating the Clarksville and Mount Pleasant Turnpike Company, read first and second times and referred to committee on roads, bridges and ferries.

A bill to be entitled an act granting to Abner C. Davis pay for services in the army of the Republic of Texas, read first and second times and passed to a third reading, rule suspended read third time and passed.

A bill to incorporate the San Antonio cotton and woollen manufacturing company, read first and second times and referred to committee on State Affairs.

A bill to incorporate the Philosophian society of Chappell Hill College, house concurred in the amendment of the Senate.

A bill to amend the second section of an act entitled an act to incorporate the Eastern Texas and Red River Insurance Company. Amendments of the Senate concurred in.

A Joint Resolution authorizing Wm. W. Spaulding to bring suit in the District Court of Liberty county against the State of Texas, taken up read 3d time and passed.

A bill for the relief of the widow and heirs of Daniel Martin

taken up, read and ordered to be engrossed, rule suspended, read third time and passed.

The special order, viz : a bill for the relief of Jane C. Waller and her two children, Thomas Park Waller, and Riley Battle Waller, taken up.

Mr. Brown proposed to amend by adding the name of Godfrey Miller for 640 acres of Land ; adopted.

Mr. Locke proposed to add the name of Rhoda Gardner for 640 acres of land ; carried.

Mr. Chilton proposed to amend as follows :

Amend by adding, "and the same amount of land to all others who may go and do likewise."

On motion of Mr. Kinney, the word "go" was stricken out of the amendment, and the amendment as amended, adopted.

Mr. Poag proposed to amend by adding, "and she refuse," adopted.

On motion of Mr. Howerton, the bill and amendments were laid on the table.

On motion of Mr. Latham, a bill to repeal an act regulating Mustang chases west of the San Antonio river, taken up, read and ordered to be engrossed, rule suspended read third time and passed.

On motion of Mr. Roberts, a bill for the relief of the heirs of John B. Webb, deceased, taken up, read and passed to a third reading, rule suspended bill read third time and passed.

On motion of Mr. Hall, the rule was suspended, and a bill to relinquish the right of the State to certain lands therein named, taken up, read and passed to a third reading, rule further suspended, and bill read third time and passed by a vote of 55 yeas to 8 nays.

A message was received from the Senate, announcing that the Senate had passed a bill for the relief of the heirs of Leonora A. Ashmore, and the heirs of John Ashmore.

A bill taken from Speaker's table, entitled an act granting to the persons therein named the privilege of erecting a toll bridge across the Angelina river, and to bridge its sloughs at or near the Buckshot Crossing.

Mr. Evans of McLennan, moved to strike out the name of R. F. Mitchell wherever it occurred in the bill.

On motion of Mr. Rhodes the motion to "strike out" was laid on the table, and bill ordered to be engrossed, rule suspended read third time and passed by a two-third vote.

A bill for the relief of Alexander Patrick, taken up, when

Mr. Henderson moved to strike out four hundred and eight dollars and twenty cents, and insert eighty-one dollars and sixty-four cents.

On motion the House adjourned until half-past three o'clock, P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The unfinished business of the morning's session taken up, viz :

A bill for the relief of Alexander Patrick, the question being on adoption of the amendment of Mr. Henderson of H.

Mr. Wood offered the following as a substitute for the amendment, viz : strike out 'eighty-eight dollars and sixty-four cents' and insert 'two hundred dollars,' adopted, and bill ordered to be engrossed, rule further suspended, read third time and passed.

On motion of Mr. Lee a bill to authorize the Commissioner of Claims to issue certain headright certificates, taken up, and read 2d time.

Mr. Haynes of Starr, offered the following amendment, amend, by striking out "every claim not recommended by the Commissioner of Claims," House refused to adopt.

Mr. Wælder moved to amend by inserting "a headright certificate for 640 acres to George Deitz." On motion laid on the table.

Mr. Henderson of Harris moved to amend by inserting the heirs of John Gay for 1280 acres of land for services in the army of Texas, House refused to adopt.

Mr. Bee moved to strike out the claim of Ab. Luce, for one league and labor, lost.

Mr. Buckley offered the following amendment :

"In the claims of those who fell with Fannin, strike out 960 acres, bounty land, and insert "1920 acres, lost.

On motion of Mr. Bee the House adjourned until half-past nine o'clock, A. M.

AUSTIN, February 6, 1858.

House met pursuant to adjournment—roll called—no quorum present.

Absentees, Messrs Baldwin, Bee, Burks, Chilton, Cooley, Craig, Crawford, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Fisher, Hall, Hart, Henderson of Cass, Henderson of Harris, Higgins, Jennings, Johnson, Kinney, Lee, Lloyd, McKenney of Hopkins, McKinney of Travis, Munson, Murrah, Poag, Powell, Rainey, Reeves, Rogers, Runnels, Smith of Fannin, Upshaw, Waelder, Waterhouse and Witt—a quorum then being present the Journal of yesterday was read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Howerton, one of the committee on Private Land Claims, reported recommending the passage of a bill for the relief of John Laramore and James Lewis; report received and bill read first time.

Mr. Buckley chairman of committee on Private Land Claims, reported recommending the passage of a substitute for a bill, for the relief of Isaac D. Hamilton.

On motion of Mr. Henderson of Harris, the rule was suspended—bill and report taken up, substitute adopted.

Mr. Hart offered the following amendment: Provided that he shall not be entitled to a pension in addition.

On motion of Mr. Everett, laid on the table, and bill ordered to be engrossed—rule further suspended read third time and passed.

Mr. Buckley also, reported recommended the passage of a Senate bill for the relief of Jno. E. Schrimph; report received.

Mr. Henderson of Harris, moved to suspend the rule to take up the report and bill—lost.

Mr. Clow, one of the committee on Engrossed bills, reported correctly engrossed, a bill to repeal an act to regulate mustang chases west of San Antonio. Report accepted.

Mr. Kittrell chairman of the committee on Public Debt, reported recommending the passage of a Senate bill for the relief of Alexander McGowan.

HALL OF REPRESENTATIVES, }
February 6th, 1858. }

TO HON. M. F. LOCKE,

Speaker House of Representatives:

The committee on Public Debt, to whom has been referred

A†

a Senate's bill for the relief of Alexander McGowan, have examined the facts connected with said relief bill, and find that it is based on an account presented by said McGowan against the State for tin ware and other camping equipage furnished the Milam Guards, and General Sherman's company, which were called out into the service of the Republic of Texas in 1842. The account is proven beyond doubt by the Honorable President of the Senate and the Senator from Harris county, who once held but lost the Quarter Master's receipt for the articles charged in the account, on which the bill is based.— We therefore report the bill back and recommend its passage.

P. W. KITTRELL,

Report received.

Chairman.

Also reported as follows on a bill for the relief of Jacob Wilcox.

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Public Debt, to whom was referred the Senate's bill for the relief of Jacob Wilcox, have had the same under consideration and after thorough investigation, find that in the year 1843 Commodore E. W. Moore, acting as the accredited agent of Texas, negotiated a loan with said Wilcox for the sum of \$7,413 42, which was refunded by Texas in 1852, without interest. That said amount was advanced by Wilcox in cash ; that said Moore as agent aforesaid contracted to pay 5 per cent per month on \$5,000 00 of the same for six months ; and in a separate contract in writing he agreed to pay 10 per cent per annum on the said advancement. That if said contract was carried out according to the letter, the interest due thereon up to July 1850, would exceed \$6,000 00. But the committee in the Senate, having thoroughly investigated the whole matter ; and reported that said Wilcox is justly intitled to a reasonable rate of interest, and fixed the same at 8 per cent per annum, from the date of advancements to the 1st July 1850, (after which time the State has refused to pay interest) and as the Comptroller and Treasurer have recommended the claim for a reasonable amount of interest, and that it forms an exception to other claims for interest, and as the said Wilcox is in person before this House and expresses himself satisfied with whatever action we may take in the premises, and represents that his necessities are very great, and he is in want of immediate aid, the committee have there-

fore instructed me to report said bill back to the House, and recommend its immediate passage.

P. W. KITTRELL,
Chairman.

Report received.

Mr. Kittrell moved to suspend the rule to take up the report and bill—lost.

Mr. Kittrell also made the following report on a Senate bill for the relief of Thomas Powell.

HOUSE OF REPRESENTATIVES, }
February 6th, 1858. }

Hon M. F. LOCKE,

Speaker of the House of Representatives.

The committee on Public Debt to whom was referred a bill from the Senate to be entitled an act for the relief of Thomas Powell, have examined into the matter and find the facts to be these :

The said Thomas Powell sometime during this session of the Legislature presented an account against the State for something upwards of seven thousand dollars, purporting to be for supplies furnished the army of the Republic of Texas, and for transportation of troops during and succeeding her revolutionary struggle.

The said account being without the necessary authentication, the committee have decided to reject it except the amount contained in the Senate's bill, say one hundred and seven dollars, which sum was charged in the account for one cannon and balls and ammunition accompanying the same, which cannon and ammunition he admits in his petition he presented to the Government, but pleads his extreme poverty, and his necessities as a justification for asking pay for the same. As that was the only item in the account which was properly substantiated, and there can be doubt that Mr. Powell did furnish the said field piece to the Government in her hour of great need, and in view of the fact that your petitioner who was once the wealthy and liberal friend to Texas, but who from some sad reverses of fortune has been reduced to extreme poverty, your committee have instructed me without a dissenting voice of those present, to recommend the amount called for in the Senate's bill, as a donation to said Powell, and to report the said bill back to the House and recommend its passage.

P. W. KITTRELL,
Chairman.

Mr. Waterhouse, one of the committee on enrolled bills made the following report :

HON. M. F. LOCKE,

Speaker of the House of Representatives.

The Joint Committee on enrolled bills have this day examined the following bills and resolutions, which they find correctly enrolled, properly signed, and presented to the Governor for his approval and signature :

An act for the relief of William Lee.

Joint Resolution relative to the portrait of the late Abner S. Lipscomb.

Joint Resolution, an act to incorporate the Guadalupe Bridge Company.

An act to authorize the Tellico manufacturing company to construct and maintain a toll bridge across the Trinity river.

An act granting pay for services of Abner C. Davis, in the army of the Republic of Texas.

An act to create Chambers county.

An act to repeal the act of 28th January, 1856, to authorize and require the county of Brazoria to establish, discontinue and regulate public and private roads in said county, and to cause public roads and bridges to be constructed and kept in good repair, and the act supplementary and amendatory thereto, approved August 11th, 1856.

An act for the relief of Teresa Highsmith.

An act to incorporate the Philosophian society of Chappell Hill College.

An act to incorporate the Fire Association of the city of San Antonio.

February 5th, 1858. RICHARD WATERHOUSE,

Report accepted.

One of the Committee.

Mr. Powell introduced a bill for the relief of P. J. Jennings, read first and second times.

Mr. Powell moved to suspend the rule, and take up the bill —lost, and bill referred to committee on Finance.

Mr. Collier introduced the following resolution which was adopted :

Resolved, that the members of this House are requested not to make such extravagant expenditure of public money, for gas that affords no light, and is not only no saving of, but a great waste of candles as well as time.

The unfinished business of yesterday, viz :

A bill to be entitled an act to authorize and require the Commissioner of Claims to issue certain land certificates therein named, taken up.

Mr. Wælder moved that the bill be re-referred to the committee reporting it, with instructions to amend the same in such manner as to place all claimants upon an equal footing, and granting land to all who may be entitled thereto, and who have made proof to that effect without distinction of race or nationality.

Mr. Latham moved the previous question, which being duly seconded, the question was put on the adoption of the motion of Mr. Wælder, and the same was lost, and the bill ordered to be engrossed, rule suspended, read third time and passed by the following vote :

YEAS—Messrs. Speaker, Aycock, Barnard, Bishop, Brown, Buckley, Burks, Burnett, Chance, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dalrymple, Doom, Evans of Austin, Everett, Gaston, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Higgins, Jennings, Johnson, Joseph, Kirk, Kittrell, Lacy, Latham, Lee, Lesueur, Lloyd, McKinney of Travis, Merriman, Mills, Munson, Poag, Price, Rainey, Reeves, Rhodes, Roberts, Rogers, Ross, Scott, Shannon, Shelton, Smith of Fannin, Smith of Orange, Tait, Walling, Waterhouse and Wood—59.

NAYS—Messrs. Bee, Chilton, Dennis, French, Haynes of Washington, Henderson of Harris, Howerton, Kinney, Lewter, Norton and Wælder—11.

Mr. Evans of Austin, moved to suspend the rule, and take up a bill—lost.

On motion of _____ the rule was suspended, and a bill for the relief of the heirs of George Robinson, was taken up, and

On motion of Mr. Hardeman indefinitely postponed.

A message was received from the Senate announcing that the Senate had passed a bill to provide for a digest of the laws of Texas, originating in the Senate.

A bill to be entitled an act to provide for the boring of Artesian Wells, between the Nueces and Rio Grande rivers.

A bill for the relief of John B. Fox, and that the Senate had concurred in the amendment of the House to the resolution relative to adjournment and has agreed to adjourn on Tuesday 16th day of February, at 10 o'clock, A. M.

On motion the House adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Lee, Chairman of the Committee on the Court of Claims on the part of the House reported, recommending the passage of a bill for the relief of Hannah Alexander.

Mr. Collier moved to suspend the rule and take up a bill for the relief of Henry Alexander, lost.

Mr. Bishop moved to suspend the rule and take up a bill—lost.

A message was received from the Senate announcing to the House that the Senate had amended and passed the following bills originating in the House, viz :

A bill making an appropriation for the purchase of a permanent location for the institution established for the education of the Blind of the State of Texas.

A bill for the relief of Thomas Cochrane, and

A bill supplemental to an act fixing the times for holding the District Courts in the 14th Judicial District.

And also the following bills without amendment :

A Bill to amend an act to create the county of Llano.

A bill to amend an act to create the county of San Saba.

And a bill declaring the intent, meaning, and true construction of the 8th section of an act passed August 1st, 1856, entitled an act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas, by making appropriations for the same, and supplemental thereto.

ORDERS OF THE DAY.

A bill to allow C. H. Nimmon to adopt two illegitimate children, read and passed to a third reading, rule suspended, read third time and passed.

A bill to authorize the county court of Webb county to levy a special tax, read and ordered to be engrossed, rule suspended read third time and passed.

On motion of Mr. Roberts the rule was suspended, and a bill authorizing the county court of Shelby county to levy and collect a special tax was taken up, read and ordered to be engrossed, rule suspended, read third time and passed.

On motion of Mr. Mills, the rule was suspended, and a bill to authorize Gonzales county court to levy and collect a special tax.

On motion of Mr. Reeves the county of Collin was inserted after the word Gonzales, and the county of Navarro inserted after Collin.

Mr. Price offered the following amendment, provided three-fourths of the voters and property holders of said counties shall agree to the tax.

On motion of Mr. Mills the amendment was laid on the table.

On motion of Mr. Shannon the caption of the bill was changed so as hereafter to read as follows :

A bill to be entitled an act to authorize the county court of Gonzales, Collin and Navarro counties, to levy an additional tax for the purpose of completing Court Houses, and bill ordered to be engrossed, rule further suspended, read third time and passed.

A bill to relinquish to the Galveston Dry Dock Company, the right of the State of Texas to twenty-five acres of land on Pelican Flat, in the bay of Galveston taken up, read and passed to a third reading, rule suspended read third time and passed.

A bill supplementary to an act to incorporate the Texas Iron, Steel, and Copper Manufacturing Mining and Trading Company, passed September 1st 1856, taken up and passed to a third reading, rule suspended read third time and passed by a two-third vote.

A bill to authorize James H. Matthews, to erect a mill and construct a dam across the Colorado river.

Mr. Norton moved to strike out d—n wherever it occurs, and insert obstruction, laid on the table.

Mr. Norton offered the following :

Provided the water when high, shall have the right to run over the dam.

On motion laid on the table, and bill ordered to be engrossed, rule suspended read third time and passed.

Mr. Waterhouse, one of the committee on enrolled bills reported as follows :

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The joint committee on enrolled bills have examined the following bills and resolutions and find them correctly enrolled properly signed, and presented to the Governor for his approval and signature.

An act authorizing and requiring the county courts to regulate roads, appoint overseers, &c.

An act to incorporate the Tennessee colony Masonic Institute.

Joint Resolution, recognizing P. W. Humphreys as commander in the late navy of Texas, at the date of annexation of Texas to the United States.

An act providing the manner in which the fund set apart for the improvement of Buffalo Bayou shall be expended.

An act to amend the second section of an act to incorporate the Eastern Texas and Red River Insurance Company.

6th February 1858.

RICHARD WATERHOUSE,
One of the Committee.

Report accepted.

7 1-2 o'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Johnson, one of the committee on Engrossed bills reported correctly engrossed :

A bill to be entitled an act for the relief of Alexander Patrick.

A bill to be entitled an act granting to the persons therein named the privilege of erecting a toll bridge across the Angelina river, and to bridge the sloughs at or near Buckshot crossing.

And a bill for the relief of Isaac D. Hamilton.

The unfinished business of the evening session was taken up, viz :

A bill making an appropriation to pay a portion of the second class debt of the late Republic of Texas, when

Mr. Wood offered the following amendment :

Amend by striking out \$38,000, and insert instead thereof \$12,000, and further amend by adding that this sum shall be paid the present claimant provided he receipts the original claim in full.

A message was received from the Senate announcing the passage by that body of the following House bills viz :

A bill to be entitled an act to authorize the Commissioner of the Court of Claims to issue certain land certificates therein named, and

A bill to repeal an act to regulate Mustang chases west of the San Antonio river.

Question recurring on the adoption of Mr. Woods amendment, the House refused to adopt by the following vote :

YEAS.—Messrs. Burks, Burnett, Chance, Crook, Everett, Harris of Guadalupe, Harris of Titus, Hart, Jennings, Johnson, Kirk, Lesueur, Lloyd, McKenney of Hopkins, McKinney of Travis, Rainey, Ross, Shelton, Smith of Titus, Waterhouse and Wood—21.

NAYS—Messrs. Speaker, Barnard, Bee, Bishop, Brown, Buckley, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Dennis, Doom, Edwards, French, Gaston, Hall, Hardeman, Harrison, Henderson of Harris, Howerton, Joseph, Kinney, Kittrell, Lacy, Latham, Lee, Merriman, Mills, Munson, Navarro, Norton, Poag, Powell, Reeves, Rhodes, Roberts, Runnels, Smith of Orange, Tait, Upshaw, Wælder, and Walling—44.

The bill was then ordered to be engrossed by the following vote :

YEAS—Messrs. Speaker, Barnard, Bee, Bishop, Brown, Buckley, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Dennis, Edwards, French, Hall, Hardeman, Henderson of Harris, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, Merriman, Munson, Navarro, Norton, Poag, Powell, Reeves, Rhodes, Roberts, Smith of Orange, Tait, Upshaw, Wælder and Walling—38.

NAYS—Messrs. Burks, Burnett, Chance, Crook, Doom, Everett, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Jennings, Johnson, Lacy, Lesueur, Lloyd, McKenney of Hopkins, McKinney of Travis, Mills, Rainey, Ross, Shelton, Smith of Fannin, Waterhouse and Wood—25.

Mr. Henderson of Harris moved to suspend the rule to place the bill upon its 3d and final reading, it requiring a four-fifth vote ; the House refused to suspend the rule by a vote of 47 yeas to 13 nays.

On motion the House adjourned until half-past nine o'clock A. M., on Monday next.

AUSTIN, February 8th, 1858.

House met pursuant to adjournment—roll called—quorum present.

Journal of Saturday read and adopted.

Mr. Jennings made the following report :

Hon. F. R. LUBBOCK,

President of the Senate :

Hon. M. F. LOCKE,

Speaker House of Representatives :

The committee of Free Conference, appointed by the Senate and House, to whom was referred a bill supplemental to and amendatory of an act to adopt and establish a Penal Code, for the State of Texas, approved August 28th, 1856, together with the amendments proposed by the House of Representatives, report the bill back to the two houses as amended by the committee, and recommend its passage.

F. S. STOCKDALE,

For Senate committee.

THOS. J. JENNINGS,

For House Committee.

Report adopted.

Mr. Bee, chairman of committee on State Affairs, reported, recommending the passage of a bill to incorporate the San Antonio Cotton and Woollen Manufacturing Company ; report received.

On motion of Mr. French, the rule was suspended, and the report and bill taken up ; report adopted and bill passed to a third reading.

On motion of Mr. French, the rule was further suspended, bill read third time and passed by a two-thirds vote.

On motion of Mr. Bishop, the rule was suspended, and two bills, viz : A bill to legalize the transcript of records taken from Cooke and Denton Land District of surveys now included in Young county Land District, and a bill authorizing and requiring the Commissioner of the General Land Office to make out certain transcripts therein named, taken up together, with reports from the committee on Public Lands, recommending a substitute for the bills severally ; substitutes adopted and bills ordered to be engrossed ; rule further suspended, bills read severally a third time and passed.

On motion of Mr. Reeves, the vote passing a bill to allow Gonzales county to levy a special tax, was reconsidered, and

on motion, the counties of Collin and Grayson were stricken out of the bill, and the bill as amended passed.

Mr. Jennings, chairman of the Judiciary committee, reported, recommending the indefinite postponement of a bill more particularly to define the homestead exempt from forced sale ; report received.

Also reported, recommending the passage of a Senate bill to provide for the purchase of an additional supply of Texas Reports ; report received.

Mr. Howerton, one of the committee on Counties and County Boundaries, reported a bill to create the county of Blanco, and recommended its passage ; report received.

On motion of Mr. Howerton, the rule was suspended, and the bill taken up, read first and second times and ordered to be engrossed ; rule further suspended, bill read third time and laid on the table for the present.

On motion of Mr. Smith of Fannin, the rule was suspended, and a bill to prohibit the sale of liquor near the line of the Choctaw Nation was taken up.

Mr. Smith of Fannin, offered a substitute for the bill ; adopted.

Mr. Reeves proposed to amend as follows :

“ Provided that the provisions of this act shall not apply to any part of the State west of the mouth of Choctaw Bayou, on Red River.” Laid on the table.

Mr. Reeves proposed to amend by striking out “ within ten miles,” wherever it occurs in the bill ; adopted and bill ordered to be engrossed ; rule suspended, bill read third time and passed.

Mr. Henderson of Harris introduced a bill to create the county of San Jacinto ; read first and second times and referred to committee on Counties and County Boundaries.

A message was received from the Senate, announcing the passage by that body of the following bills :

A bill for the relief of the heirs of John Gay ;

A bill for the relief of the heirs of Jefferson Smith ; and

A bill making appropriations for the support of the Penitentiary for the years 1858 and 1859 ;

And that the Senate had adopted the report of the committee of free conference, on the bill supplemental to and amendatory of an act to adopt and establish a Penal Code for the State of Texas, approved August 28th, 1856.

Mr. Jennings, chairman of the committee on the Judiciary,

reported, recommending the passage of a bill supplemental to and amendatory of an act to ascertain the legal claims for money and land against the State, passed August 1, 1856, approved January 16, 1858, with the following amendment:

Add to end of first sentence, section 1st, the following proviso before the word "But":

"Provided no duplicate bounty or donation warrant shall be issued, unless the existence of the corresponding original be established to the satisfaction of the Commissioner, by record proof, or the evidence of at least two credible witnesses."

Report received.

Mr. Hart, chairman of a Select committee, reported as follows on a bill to reorganize the 8th Judicial District:

To THE HON. M. F. LOCKE,

Speaker of the House of Representatives:

The Select committee, to whom was referred the Senate's bill to re-organize the Eighth Judicial District, and define the time of holding the Courts therein, have had the same under consideration, and a majority of said committee have instructed me to report the accompanying bill as a substitute, and recommend its passage.

The only changes made in the bill recommended, from the present law, is that of the court commencing its term at Bowie, in place of Red River county; this, however, does not change the time of holding the courts in Bowie. The next change made is that of leaving a week vacant between the counties of Titus and Hopkins. This is done at the earnest request of the attorneys in that District, to allow them to attend the Supreme Court at Tyler. The present bill also allows a two weeks' term at Hopkins, in the place of one week heretofore. No other changes are made, except to correspond with these changes. The time of holding the courts in the counties of Bowie, Cass and Titus are unchanged.

This we believe will be generally satisfactory to all the parties interested, and we therefore hope it may become a law.

HART,

Report received.

Chairman of the Committee.

Mr. Johnson, chairman of Committee on Printing, reported as follows:

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives:

Your committee to whom was referred the report of a Select

committee, made in pursuance of a resolution inquiring into the cause of the delay in the delivery of the Laws of the Sixth Legislature to the several counties of this State, have very carefully examined the same, and find that it attributes the delay first to the Public Printers, and second to the contractors to deliver the laws.

Your committee, being charged with the general superintendence of the printing of this House, have deemed it their duty to state the facts known by them to exist in relation to the alledged injury to the public service by said Printers of the last session.

The Sixth Legislature deferred their usual appropriation for the distribution of the Laws and Journals until the close of the Summer Session of 1856, and the Secretary of State accordingly entered into no contracts for distributing the Laws and Journals of the previous Winter Session. This latter fact was fully known to that body on its re-assembling in July, 1856. At the Summer Session the Code was adopted, and ordered to be distributed to certain officers of the several counties of the State. The Secretary of State determined, as a matter of public economy, to accomplish the distribution of the Code, Laws, Journals, and some other public documents, at the same time and by the same agent.

The printing of the Code was given to Richardson & Co., of Galveston, who were held bound to make delivery of the work on the first day of January, and first day of February, 1857. It was not contemplated, therefore, by the Secretary of State, to make a distribution of the Laws and Journals until the first day of January, 1857.

At that time we find that the Public Printers had completed the delivery of the Laws and Journals at the State Department. With the exception of some two dozen copies of the Code, delivered at the said Department, by Richardson & Co., of Galveston, in the month of January, the portion of the Code distributed from the Secretary of State's office, did not reach there until during the month of February, and subsequent months, down to April. On this account the distribution of the Laws, Journals, Code, &c., were delayed until February, 1857, when they were placed in the hands of the Contractor to be distributed over the State.

Your committee find, therefore, that the delay which took place in the distribution of the Laws and Journals of the

Sixth Session of the Legislature was not occasioned by the act of the Public Printers of that body.

In regard to the non-delivery of the Laws at the State Department, by the Public Printers, in the thirty days prescribed by law, we are satisfied that its enforcement would be unjust on the part of the State, because while the last Legislature increased the number of copies to be executed, it unintentionally omitted to extend the time corresponding to the additional work to be done. But the time was previously inadequate, and it is a fact that no former Printer had been able to complete the publication of the laws within the period of thirty days required by the statute.

We do not think any other remedy necessary than the extension of the time from thirty to sixty days.

THOS. J. JOHNSON,

Report received. Chairman Committee on Printing.

A joint resolution proposing an amendment to the State Constitution, taken up.

Mr. Evans of McLennan moved to strike out, "or other political division;" carried, and bill passed by a vote of 57 yeas to 17 nays.

A bill to establish the University of Texas.

Mr. Chilton moved to postpone the consideration of the bill until 7½ o'clock, P. M.

Mr. Everett moved to lay the motion to postpone on the table.

On motion of Mr. Doom, a call of the House was ordered.

Mr. Cleveland moved to suspend the call; lost.

Mr. Everett moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Everett moved to adjourn until 7 o'clock, P. M.; lost.

On motion of Mr. Chilton, the call was suspended.

Mr. Everett, by leave, withdrew the motion to lay the motion to postpone on the table.

The question recurring on the postponement of the bill until 7½ o'clock, P. M., the same was put, and the House refused to postpone by a vote of 34 yeas to 39 nays.

Mr. Jennings offered the following amendment to the bill:

"Sec. —. That in addition to the land herein before appropriated, there shall be selected, surveyed and set apart, under the direction of the Governor, one hundred leagues of land, from any of the vacant public domain, for the endowment of the University.

"Sec. — That the sum of fifteen thousand dollars, out of the money set apart in the bill, or so much thereof as may be necessary, is hereby appropriated for the purposes of the next preceding section."

The House refused to adopt the amendment by a vote of 14 yeas to 46 nays.

On motion of Mr. Buckley, a call of the House was ordered.

On motion of Mr. Smith of Orange, the House adjourned until 3½ o'clock, P. M.

3½ O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

A message was received from the Senate, announcing the passage of the following bills originating in that body, viz :

A bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company and the act supplemental thereto ; and

A bill to be entitled an act to encourage the construction of a main trunk Railroad, of the first class, from the meridian of longitude of Fort Graham to the Rio Grande, at or near the town of El Paso ;

And the following bills originating in the House, to-wit :

An act for the relief of Wm. H. Jones ;

An act to relinquish the State tax for the years 1858 and 1859 to certain counties, &c. ;

And the following bill with an amendment :

An act for the relief of the heirs of Frederick Heniger, dec'd, or their assignee.

Mr. Waterhouse, one of the committee on Enrolled Bills, made the following report :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The joint committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature :

An act supplementary to an act to incorporate the Texas, Iron, Steel and Copper Manufacturing, Mining and Trading Company, passed September, 1856.

An act to allow C. H. Nimmon to adopt two illegitimate children.

An act to relinquish to the Galveston Dry Dock Company the right of the State of Texas to twenty-five acres of land on Pelican Flat, in the bay of Galveston.

An act to re-organize the sixteenth Judicial District and to define the times of holding courts therein.

An act to provide for the boring of Artesian Wells between the Nueces and Rio Grande Rivers.

RICHARD WATERHOUSE,
One of the Committee.

8th February, 1858.

Report accepted.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed, a bill to be entitled an act to authorize the County Court of Gonzales county to levy an additional tax for the purpose of completing a Court House; report received.

Mr. Bee reported as follows :

Hon. F. R. LUBBOCK,

President of the Senate, and

Hon. F. M. LOCKE,

Speaker of the House of Representatives.

The joint committee of the two houses, to which was referred the Governor's Message on Kansas affairs, have fully and carefully considered the same, and a majority of the committee beg leave to report, that the message contains so full and fair a statement of the facts, and such conclusive and unanswerable argument, as to the true position and duty of the South, that they deem it unnecessary to add anything thereto; and they, therefore, submit the accompanying joint resolutions, responsive to the message, and recommend the passage of the same.

Report received and joint resolutions read first time.

Mr. Lee, by leave, introduced the following resolution :

Resolved, That whereas, the Messenger elected by this House, for the present session, having resigned his office, that the Speaker be, and he is hereby authorized to appoint a suitable person to fill said office for the remainder of this session; and that the person so appointed shall receive the same pay, and in the same manner as the officer elected was entitled.

On motion of Mr. Bee, laid on the table.

The unfinished business pending when the House adjourned, viz.: The University bill—resumed.

On motion of Mr. Powell, a call of the House was ordered.

On motion of Mr. Doom, the Sergeant-at-Arms was dispatched after absentees.

On motion of Mr. McKenney of Hopkins, Mr. Scott was excused on account of indisposition.

On motion of Mr. Lee, the call was suspended,

The question being upon the final passage of the bill, the yeas and nays were demanded, and stood thus:

YEAS—Messrs Aycock, Bee, Brown, Buckley, Carroll, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, French, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Price, Powell, Rogers, Runnels, Smith of Orange, Smith of Fannin, Tait, Upshaw, Wælder and Wood—48.

NAYS.—Messrs Speaker, Barnard, Bishop, Burks, Chilton, Crook, Lloyd, Poag, Rainey, Reeves, Rhodes, Roberts and Waterhouse—13.

So the bill passed.

When Mr. Burnett's name was called to vote on the passage he refused to vote.

The House refused to excuse him from voting.

Mr. Burnett still refused to vote, and his name was passed over.

Mr. Lacy also refused to vote.

On motion of Mr. Reeves, Mr. Scott was excused from attendance on the House for the remainder the session.

Mr. Chilton introduced a bill setting apart fifty leagues of land for the establishment of the Literary College of Eastern Texas; read first time.

Mr. Chilton moved to suspend the rule, and take up the bill; lost.

Mr. Rainey, one of the Judiciary committee, reported as follows on a bill concerning contempts:

To HON. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred a

bill entitled an act concerning contempts, have bestowed that consideration upon the subject embraced in said bill which, in their opinion, it deserves, and regard it of some importance, as the most flagrant abuse of official privilege has, in some instances, resulted from the want of a restraining statute.

The committee concur in the opinion, that the rights of the private citizen, in private life, are equal in every isolated particular, and to the very same extent with those of an official, be he who he may, or occupying any position whatever. It would be a most dangerous encroachment upon the rights and sovereignty of the people for an individual to be arraigned and tried for a contempt for using abusive language against an officer in vacation.

For illustration: The Judge, while upon the Bench, during a Term of Court, is clothed with an authority, and with certain immunities incidental to his position, that from necessity are withheld from the citizen; but when he descends from the Bench, he becomes a component part of society, and, in legal contemplation, mingles in social life upon terms of the most perfect equality with the humblest and most obscure member of the body politic; between them there is an entire identity of political interest and civil privilege, and the law wisely refuses to discriminate in favor of the one to the exclusion of the other.

For the above, and other obvious reasons, the committee have instructed me to report said bill again to the House, and recommend its passage.

RAINEY,

Report received.

One of the Committee.

Mr. Rainey moved to suspend the rule and take up the bill; lost.

Mr. Jennings, chairman of Judiciary committee, reported recommending the passage of a Senate bill, regulating executions, with the following amendments:

Strike out Sections 11, 70, 71, 72, 73, 74, 81, 82, 83 and 84.

Report received.

A bill creating the county of Blanco was again taken up, read third time and passed by a two-thirds vote.

Mr. Rainey introduced a bill supplemental to an act to regulate proceedings in County Courts pertaining to the estates of deceased persons; read first and second times and referred to Judiciary committee.

Mr. Buckley introduced a bill to be entitled an act to amend the 15th section of an act to organize the District Courts and to define their powers and jurisdiction, approved May 11, 1846; read first time: rule suspended, read second time and ordered to be engrossed; rule further suspended, read third time and passed.

Mr. Buckley moved to suspend the rule for the purpose of taking up a bill to provide for a Geological Survey of the State.

Mr. Reeves moved to adjourn until 7 1-2 o'clock, P. M.; lost.

Mr. Everett moved to adjourn until 9 1-2 o'clock, A. M., to-morrow; lost.

Mr. Rainey moved to adjourn until 7 1-2 o'clock, P. M.; carried, and House adjourned—pending, Mr. Buckley's motion to take up a bill to provide for a Geological Survey of the State.

7 1-2 o'clock, P. M.

House met—roll called, quorum present.

On motion of Mr. Evans of McLennan, Mr. Shannon was excused from attendance on the House for the rest of the session.

On motion of Mr. Howerton, Robert Robertson, Assistant Sergeant-at-Arms was excused.

A message was received from the Senate, announcing that the Senate had passed a bill to authorize the Comptroller to receive and receipt for taxes.

On motion of Mr. Chilton, rule suspended, and bill taken up, read first and second times and passed to a third reading; rule further suspended, bill read third time and passed.

Mr. Harris of Guadalupe, by leave, changed his vote on the passage of a bill to create the county of Blanco.

On motion of Mr. Buckley, the rule was suspended, and a bill to provide for a Geological Survey of the State taken up, with a report from the committee on State Affairs, recommending a substitute.

On motion of Mr. Wælder, the Senate bill was substituted for the House bill.

Mr. Hart proposed to amend by striking out "3,000," wherever it occurs, and insert "2,000," and strike out "2,000," wherever it occurs, and insert "1,500;" laid on the table.

Mr. Gaston moved to strike out "3,000," and insert "2,500;" laid on the table.

Mr. Mills offered the following amendment :

"Sec. —. That the Chief Geologist and his assistants upon their removal or resignation, or at the expiration of their term of office, shall turn over to his or their successors, or to the Governor, all the minerals, shells, or maps, plats and diagrams, which they may collect, or make, during their term of office, and shall communicate all important geological information to their successor, acquired during such Geological Survey." Adopted.

Mr. Wælder offered the following amendment :

Amend third section by adding in sixth line : "He shall also forward to the Governor, from time to time, during the progress of the survey, specimens of rocks, ores, coals, soils, fossils and other mineral substances, as may be necessary and proper to form a complete cabinet of specimens of the geology and mineralogy of the State ; and the Governor shall cause the same to be deposited in proper order in some convenient room at the Capitol of the State, to be provided for public inspection.

Mr. Wælder offered the following amendment :

Add after the second section : "And for the purpose of carrying out the provisions of this act said Geologist shall have power to appoint assistants."

Mr. Jennings proposed to amend the amendment by adding : "with the approbation of the Governor." Adopted.

Mr. Henderson of Harris proposed to amend the amendment by striking out "assistants" and inserting "one assistant ;" lost.

Mr. Henderson of Harris, proposed to limit the number of assistants to two ; adopted.

Amendment as amended adopted.

Mr. Wælder proposed to amend by adding : " And that this act take effect from its passage ;" adopted and bill passed to a third reading ; rule suspended, bill read third time and passed by the following vote :

YEAS.—Messrs Speaker, Aycock, Bishop, Buckley, Chilton, Cleveland, Clow, Craig, Dalrymple, Dennis, Edwards, Evans of McLennan, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kittrell, Lacy,

Lee, McKenney of Hopkins, McKinney of Travis, Merriman, Mills, Munson, Navarro, Price, Rogers, Ross, Shelton, Smith of Fannin, Tait, Upshaw, Wælder, Walling and Wood—47.

NAYS.—Messrs. Barnard, Collier, Cooley, Crook, Doom, Gaston, Harrison, Hart, Lewter, Lloyd, Norton, Reeves, Rhodes and Waterhouse—14.

Mr. Buckley moved to suspend the rule and take up a joint resolution to allow appeals from Justices to District Courts; carried.

Mr. Buckley offered a substitute for the resolution; adopted and ordered to be engrossed.

Mr. Buckley moved a suspension of the rule in order to put the bill on its third and final reading; carried, and resolution passed by the following vote:

YEAS.—Messrs Speaker, Barnard, Bishop, Brown, Buckley, Burks, Chilton, Cleveland, Collier, Cooley, Craig, Crook, Dalrymple, Edwards, Evans of Austin, Gaston, Hall, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Joseph, Kittrell, Lacy, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Powell, Price, Rainey, Reeves, Rhodes, Roberts, Runnels, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling and Wood—51.

NAYS.—Messrs Doom, Evans of McLennan, Everett, Harde-
man, Lee, Merriman, Mills, Munson, Norton, Poag, Ross and Waterhouse—12.

Mr. Wælder moved to take up the Senate bills with a view to their reference; carried.

A bill to incorporate the Opelousas and Texas Western Railroad Company taken up; read first and second times; referred to committee on Internal Improvements.

A bill to extend the provisions of an act to restore lands sold for taxes, and purchased by the State, to the former owners on certain conditions, approved February —; read first time; rule suspended, read second time and passed to a third reading: rule suspended, read third time and passed.

A bill to provide for a digest of the laws of Texas; read first and second times and referred to Judiciary committee.

A bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company and the act supplemental thereto; read first and second times and referred to the committee on Internal Improvements.

A bill to encourage the construction of a main trunk Railroad, of the first class, from the meridian of longitude of Fort Graham to the Rio Grande, at or near the town of El Paso ; read first and second times and referred to a Select committee of five.

A bill supplemental to the Charter of the Aransas Road Company ; read first and second times and laid on the table until to-morrow morning.

A bill making appropriations for the support of the Penitentiary for the years 1858 and 1859 ; read first and second times and referred to Finance committee.

On motion, the House adjourned until 9 1-2 o'clock, to-morrow, A. M.

AUSTIN, February 9th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted

REPORTS OF STANDING COMMITTEES.

Mr. Barnard, one of the committee on the Land Office, reported recommending the passage of a Senate bill to legalize surveys in the disputed territory between Milam and Bexar Land Districts, with the following amendments :

Sec. 2. *Be it further enacted*, That nothing in the first and second Sections of this Act shall be so construed as to affect the rights of any person who owns or possesses any claim to any of the lands therein referred to, or any portion thereof ; report received.

On motion of Mr. Brown, the rule was suspended and the report and bill taken up ; amendments recommended by the committee, laid on the table for the present.

Mr. Brown proposed to amend as follows :

Add to caption the words, "and also between Bastrop and Milam and Burleson Districts."

Add as 2d Sec. That all the surveys made heretofore upon genuine certificates and warrants in the territory bordering on the division line between Bastrop and Milam Districts, or Bastrop and Burleson Districts, as the case may be and they are hereby made legal and valid ; and that the Commissioner of the General Land Office, be and he is hereby authorized to patent all such surveys, whenever there may be no conflict be-

tween surveys made by the surveyors of the said Districts. The field notes of all surveys mentioned in this act shall be recorded in the county in which the land is situated.

Change Sec. 2, of Senate bill to Sec. 3.; adopted.

Mr. Evans of McLennan, proposed to insert after the word "Survey," in 1st Sec., the words "upon genuine certificates;" adopted.

Amendments offered by the committee, were then taken up and adopted, and bill passed to a third reading; rule further suspended, bill read third time and passed.

The Speaker announced Messrs. Shelton, Munson, Wood, Craig and Runnels, a Select Committee on a bill to encourage the construction of a main trunk Railroad of the first class, from the meridian of longitude of Fort Graham to the Rio Grande, at or near the town of El Paso.

Mr. Barnard, of the same committee, reported recommending the passage of a bill to require the Commissioner of the General Land Office to charge fees in certain cases; report received.

On motion of Mr. Kittrell, the rule was suspended, report and bill taken up and read second time.

Mr. Roberts moved to lay the bill on the table until Tuesday next; the yeas and nays were called, and the House refused to postpone by the following vote: 32 yeas, 35 nays.

Mr. Henderson of Harris, moved to amend by striking out "the owner, agent or attorney of such claim," and insert instead, "such examinations as may be made for the purpose of issuing patents thereon;" adopted.

Mr. Norton proposed to strike out "50 cents," and insert "25 cents"—lost.

Mr. Buckley offered the following additional Section:

Sec. 2. That hereafter the Commissioner of the General Land Office shall in all cases charge a fee of \$5 for a patent for one league and over; three dollars for a patent for less than one league and over 1280 acres; two dollars for a patent for 1280 acres or less.

Mr. Doom moved to lay the amendment on the table—carried.

The question recurring on passing the bill to a third reading, the yeas and nays were demanded, and stood:

YEAS.—Messrs. Speaker, Buckley, Burks, Carrol, Chilton, Cleveland, Crook, Edwards, Everett, French, Gaston, Harde-man, Harris of Guadalupe, Harris of Titus, Harrison, Hart,

Henderson of Cass, Henderson of Harris, Higgins, Jennings, Johnson, Kittrell, Lacy, Lesueur, Mills, Munson, Poag, Powell, Rogers, Ross, Shelton, Smith of Fannin, Smith of Orange, Tait Upshaw and Walling—36.

NAYS.—Messrs. Aycock, Bishop, Brown, Burnet, Chance, Clow, Collier, Cooley, Craig, Dennis, Doom, Evans of Austin, Fisher, Hall, Haynes of Starr, Haynes of Washington, Howerton, Joseph, Latham, Lee, Lloyd, McKenney of Hopkins, Merriman, Norton, Price, Reeves, Rhodes, Roberts, Runnels, Waterhouse and Wood—31.

So the bill passed to a third reading.

Mr Barnard, one of the committee on the Land Office, reported :

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on the Land Office, to whom was referred a bill for the relief of the County Surveyor of Parker county, have examined the same and instruct me to report that two members of said committee are in favor of the passage of the bill, and four are opposed to its passage, and respectfully report the same back to the House for its decision ; report received.

Mr. Jennings, Chairman of Judiciary committee, reported as follows on a Senate bill to provide for a digest of the laws of Texas :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The Judiciary committee have had under consideration a Senate bill to be entitled an act to provide for a Digest of the laws of Texas, and find its defect to be to sanction the publication, by State authority, of a revised edition of Hartley's Digest, at the price to be paid by the State, of twenty thousand dollars for five thousand copies of this work. Your committee are of opinion that the bill heretofore reported from this committee having the same object in view, provides for a compliance with the duty enjoined on the Legislature by the 16th Section of the 7th Article of the Constitution, providing as it does, for a digest, arrangement and publication of the laws by authority of the Legislature. While the Senate bill proposes to accept a proposition for a republication of a former Digest, as it may be revised, by a private undertaking, and therefore, would not comply with the constitutional requisi-

tions. Your committee are, also, of opinion that the work proposed by the House bill, would be a much better and cheaper one than that sanctioned by the Senate Bill, even if the latter were conformable to the requirement of the Constitution.

They, therefore, respectfully recommend the substitution of the House bill for that of the Senate, and that it may be passed.

THO. J. JENNINGS.

Chairman.

On motion of Mr. Jennings, the bill and report were taken up.

On motion of Mr. Jennings, the House bill for the same purpose, was taken up, together with a substitute for the same reported from the committee on the Judiciary.

Mr. Jennings proposed to substitute the substitute reported by the committee, in lieu of the Senate Bill.

A message was received from the Senate announcing the passage of the following bills originating in that body, viz :

A bill to be entitled an act supplemental to an act to incorporate the Sabine and Rio Grande Railroad Company, approved 6th February, 1854.

A bill for the relief of Lewis David.

A bill for the relief of John W. Haydon.

A bill better to define the boundaries of Chambers county, and,

A bill, originating in the House, granting to the persons therein named the privilege of erecting Toll Bridges across the Angelina river, and to bridge its sloughs at or near Buck Shot crossing ; and that the Senate had passed the House substitute for the Senate bill to be entitled an act supplementary to and amendatory of an act to establish a Code of criminal procedure, approved 26th August, 1856.

The question on the substitution was put, and the yeas and nays being demanded, stood thus :

YEAS.—Messrs. Speaker, Aycock, Buckley, Burnett, Carroll, Chance, Chilton, Cleveland, Collier, Craig, Crook, Dalrymple, Everett, Hall, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Washington, Henderson of Cass, Howerton, Jennings, Johnson, Kittrell, Lewter, Lloyd, McKinney of Travis, Munson, Navarro, Norton, Poag, Rhodes, Rogers, Ross, Runnels, Tait, Upshaw, Wælder, Walling, Waterhouse and Wood
—40.

NAYS.—Messrs. Barnard, Bishop, Brown, Burks, Clow, Cooley, Doom, Edwards, Evans of Austin, Evans of McLennan,

Fisher, French, Gaston, Hardeman, Hart, Haynes of Starr, Henderson of Harris, Higgins, Joseph, Lacy, Latham, Lee, Lesueur, McKenney of Hopkins, Merriman, Mills, Price, Reeves, Roberts, Shelton, Smith of Fannin, and Smith of Orange—32.

So the House substitute was adopted as a substitute for the Senate bill.

Mr. Henderson of Harris, offered the following amendment which was adopted :

Strike out "18000" and insert "13500," and no more, and that the salary of the person so appointed, shall not extend to a period beyond one year.

Mr. Evans of McLennan, moved to strike out "\$250 per month," and insert "150."

Mr. Wood moved to amend the amendment by striking out "\$150," and inserting "200"—carried, and amendment as amended adopted.

Mr. Buckley moved to lay the bill and amendment on the table ; the House refused to lay on the table by the following vote :

YEAS—Messrs. Speaker, Barnard, Brown, Buckley, Burnett, Carroll, Collier, Cooley, Crook, Dennis, Doom, Evans of Austin, Evans of McLennan, Fisher, Gaston, Hall, Henderson of Harris, Joseph, Latham, Lee, Lesueur, McKinney of Hopkins, Merriman, Mills, Norton, Poag, Reeves, Rhodes, Roberts, Runnels, Shelton, Walling Waterhouse and Wood—34.

NAYS—Messrs. Aycock, Bishop, Burks, Chance, Chilton, Cleveland, Clow, Craig, Dalrymple, Everett, French, Hardeman, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Jennings, Johnson, Kittrell, Lacy, Lewter, Lloyd, McKinney of Travis, Munson, Navarro, Price, Rogers, Ross, Smith of Fannin, Smith of Orange, Tait, Upshaw and Wælder—37.

Mr. Mills moved to amend by inserting, "That the said Digest shall be made and published within the State of Texas."

Mr. Buckley moved to amend the amendment by striking out "Texas" and insert "any State in the Union except Massachusetts."

On motion of Mr. Reeves, the House adjourned until 3 1-2 o'clock, P. M.

Mr. Wælder on the floor.

3½ O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present.

Question pending when the House adjourned, viz: Mr. Buckley's amendment to Mr. Mills's amendment, taken up and House refused to adopt it.

The question then recurring upon the adoption or rejection of Mr. Mill's amendment, the same was put and the yeas and nays being demanded, stood:

YEAS—Messrs. Aycock, Bishop, Brown, Buckley, Burnett, Carroll, Chance, Chilton, Cleveland, Clow, Collier, Doom, Evans of Austin, Everett, French, Gaston, Hardeman, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Starr, Henderson of Cass, Henderson of Harris, Higgins, Joseph, Kittrell, Lee, Lesueur, Lewter, McKinney of Travis, Mills, Norton, Poag, Powell, Roberts, Shelton, Smith of Orange, Tait, Upshaw and Waterhouse—40.

NAYS—Messrs. Speaker, Barnard, Cooley, Craig, Crook, Dennis, Edwards, Hart, Howerton, Jennings, Johnson, Kinney, Lacy, Latham, Lloyd, Merriman, Munson, Navarro, Price, Rogers, Ross, Runnels, Smith of Fannin, Wælder, Walling and Wood—26.

So the House adopted the amendment.

Mr. Wælder moved to amend by striking out "13500" and insert "20,000."

Mr. McKinney of Travis, moved to lay the bill and amendment on the table—a division of the question was ordered, and the amendment was laid on the table.

Question on laying the bill on the table was put and the House refused to lay the bill on the table.

Mr. Mills offered a substitute for the bill.

Mr. Chilton moved to lay the substitute on the table, the yeas and nays were called and stood:

YEAS.—Messrs. Aycock, Brown, Buckley, Burnett, Chance, Chilton, Cleveland, Craig, Crook, Dennis, Edwards, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Hart, Haynes of Starr, Henderson of Cass, Higgins, Howerton, Jennings, Johnson, Latham, Lewter, Lloyd, McKenney of Hopkins, Munson, Mavarro, Poag, Rhodes, Rogers, Ross, Smith of Orange, Upshaw, Wælder, Walling and Wood—39.

NAYS.—Messrs. Speaker, Barnard, Bishop, Carroll, Clow,

Collier, Cooley, Doom, Evans of Austin, Evans of McLennan, Everett, Gaston, Harrison, Henderson of Harris, Joseph, Kinney, Kittrell, Lacy, Lee, Lesueur, Merriman, Mills, Norton, Powell, Roberts, Shelton, Smith of Fannin, Tait and Waterhouse—29.

So the substitute was laid on the table.

Mr. Wælder offered the following amendment: Add after "Texas," "provided the work can be done in the State at the sum herein appropriated; otherwise the same may be done elsewhere."

On motion of Mr. Chilton, laid on the table.

On motion, the main question was ordered, which being the passage of the bill to a third reading, the same was put, and the yeas and nays being demanded, stood thus:

YEAS—Messrs. Aycock, Bishop, Buckley, Chilton, Cleveland, Clow, Collier, Craig, Dennis, Edwards, Fisher, Hall, Harris of Titus, Hart, Haynes of Starr, Henderson of Cass, Higgins, Howerton, Jennings, Johnson, Kittrell, Lacy, Latham, Lesueur, Lewter, McKinney of Travis, Munson, Navarro, Powell, Rainey, Rogers, Ross, Shelton, Smith of Orange, Smith of Fannin, Tait, Upshaw, Wælder and Wood—39.

NAYS—Messrs. Speaker, Barnard, Burnett, Carroll, Cooley, Crook, Doom, Evans of Austin, Evans of McLennan, Everett, Gaston, Hardeman, Harris of Guadalupe, Harrison, Henderson of Harris, Joseph, Kinney, Lee, Lloyd, McKenney of Hopkins, Merriman, Mills, Norton, Poag, Price, Rhodes, Roberts, Runnels, Walling and Waterhouse—31.

So the bill passed to a third reading.

Mr. Latham introduced a bill to amend an act to incorporate the Brownsville and Rio Grande Railroad Company; read first time; rule suspended, read second time and ordered to be engrossed; rule further suspended, bill read third time and passed by a two-third vote.

Mr. Chilton, one of the Joint Select committee on the Governor's Kansas Message, submitted the following minority report with accompanying resolutions:

To the Hon. F. R. LUBBOCK,

President of the Senate, and

The Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The undersigned, a member of the Joint Select committee, to which was referred the Governor's message, in relation to

Kansas Affairs, of the 20th January, 1858, being thoroughly impressed with the truth of His Excellency's remark, that "the position of affairs growing out of the adoption and presentation of the Constitution of Kansas, preliminary to her admission into the Union, together with the alarming course of action indicated by some of those high in position in the national councils, and who have hitherto possessed the almost unbounded confidence of the Southern people, are believed not only to require an early and prompt expression of opinion in their regard, but imperatively demand some suggestion of the course of policy which is to be pursued, in the happening of the contingencies which seem to be foreshadowed," regrets very much that, whilst the committee was unanimous in the opinion that the message was a "true bill of indictment" against those, who, for years past, have been engaged in an unholy crusade against the Federal Constitution, and the rights of the Southern States as guaranteed by that instrument, and that the *interest* and *honor* of Texas imperatively demand some action, by which she may be prepared to vindicate her threatened honor and violated rights, as a Sovereign State of the Confederacy, it was not agreed as to the best course to be pursued in "putting her house in order." It is to be hoped, however, that, in the event of the adoption, by the Legislature, of either the proposition of the majority of said committee, or that of the undersigned, which is herewith submitted, the approving voice of the *people* of Texas may be heard, and their sturdy arms outstretched to sustain those, who, as their Representatives, have taken the fearful responsibility of *acting* in this crisis.

It is believed that the aggressions of the North upon the Constitution, and our rights as slave holders under the Constitution, would have long since been checked but for a singular delusion, under which she has labored. I need not enter into argument to show that our Northern brethren are very much devoted to self-interest, and that the most effective argument, which can be addressed to them, must needs take effect through the medium of the pocket. The most casual observer must have seen and known, that, for many years, the Slave-holding States have not only borne the burden of the support of our National Government, both in peace and war, but have actually fed, with lavish hand, the rapacious mouths of Yankee speculators, stock-jobbers, and "free dealers." The energy, industry, and wealth, of the Southern States,

have been constantly used to enrich and pamper a people who have abused our kindness, and have made our own strength their great weapon of aggression upon our rights.

It is manifest that the agitation of the subject of slavery will, if not prevented by some timely and effective measure, end in disunion. The agitation, invariably connected with some encroachment upon the rights of the South, has been permitted, with futile shows of resistance upon our part, to proceed so far that the North has only become emboldened by each successive abandonment of position assumed by those who claimed the right of laying down "*ultimatums*," and prescribing "*sine qua non*s" for the South, to proceed and gather strength, until it has reached a point when it can no longer be disguised or denied that this Union is endangered. I might here stop to discuss the abstract proposition as to "how the Union may be preserved," but will only do so to the extent of the connection which that proposition has with one of more immediate interest to the South. How is the honor and constitutional rights of Texas, as an independent sovereign State, to be preserved? I am of the opinion that those who have pursued so systematically the policy of flagrant disregard of every compact upon which this Union of States was originally formed, desire as little as we do a dissolution of the Union, and were they once convinced that there was real danger of such a deplorable event, aggression would cease, agitation would cease, and our position as equals be acknowledged. The Northern man, who denounces the institution of slavery, is more knave than fool, and just so long as there is safety in the enterprise will indulge his natural aversion to his Southern brother; will

Cheat with delusive lies the public mind,
Invent the cruelties they fail to find;
Slander, in pious garb with prayer and hymn,
And blast a people's fortune for a whim.

But so soon as you succeed in convincing him that this is to be done at his own cost or peril, the enterprise is abandoned.

It will be remembered that the first experiment in depriving the South of her due share of the territories, is to be found in the provisions of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region between the Ohio and Mississippi Rivers. The next was the Missouri Compromise, which monstrous innovation of our constitutional privilege remained in force, with the tacit consent

of the South for more than thirty six years. Then came the Oregon outrage, in the support of which joined some, of whom was expected better fruit.

By these several acts the South was absolutely excluded from near one million two hundred and fifty thousand square miles, which should have been, and by right was the common property of North, South, East and West. Then follows the subjugation of California to free soil dominion, partly by the oversight of Mr. Polk, in sending to that territory a regiment of men reared and educated in opposition to our institutions, and the unauthorized interference of General Riley. To all of this and more the South has submitted. It is true that she has again and again protested. Her politicians have spoken, her Southern conventions have resolved to no purpose. The mad tide of aggression still goes on, gathering strength as it goes. The face that ten years ago paled, and the heart that faltered, when a Southern politician declared to the fanatic and demagogue of Massachusetts, "thus far shalt thou come and no farther," now laughs at the same declaration with scorn. The declaration has so oft been made only to be violated: a position of defiance has so often been taken only to be abandoned, that even the most timid of former times has become emboldened, and now rush blindly on in the wild torrent of poisoned public sentiment.

Even those who have heretofore acted with us, begin now to betray and desert us through very contempt for our own tame submission to insult and injury. Nearly all of this results from a want of confidence in our intention to do what we declare.

It is said that the people do not sympathise with the leading politicians of the South; the honest purity of the masses is questioned, and the probability of a large proportion of our citizens who do not own slaves, joining the North or remaining inactive in the event of an issue being made between the North and South, is impudently discussed by the Black Republican leaders of the North. To disabuse the minds of those who are really deceived by this insulting slander, and to give more effect to whatever action it may be necessary for the State of Texas to take, upon the happening of certain contingencies, I propose that the determination of the State be made known through the medium of Delegates fresh from the people; elected with direct reference to that question, and of course prepared to adopt such a course as circumstances may require.

I am not unwilling to trust to the selection of the people, nor do I fear to place the interests and honor of the State in the hands of their delegates, but I am satisfied that in this way we will accomplish more good, with more general satisfaction to the interested parties, than by the adoption of the course recommended by the majority of the Joint select committee, and I therefore submit this minority report, together with resolutions, which I most respectfully ask the Legislature to adopt as a substitute for the resolutions of the majority.

GEO. W. CHILTON.

One of the committee on the part of the House.

Report received and resolutions read first time.

Mr. Chilton moved to suspend the rule and take up the majority and minority reports on Kansas, and make them the special order for Friday evening next—lost.

Mr. Doom introduced a bill for the relief of Alexander F. Allbright, Enoch Grigsby, and the heirs of Chas. Gilchrist; read first and second times and referred to committee on Private Land Claims.

Mr. Buckley introduced a bill to provide for the safe keeping of the Capitol and furniture belonging to the State; read first and second times and referred to committee on Public Buildings.

Mr. Johnson, one of the Engrossing committee, reported correctly engrossed:

A bill to create the county of Blanco, and adjust the boundaries of counties affected thereby; report accepted.

On motion of Mr. Edwards, the rule was suspended, and a bill to incorporate all military uniformed Companies now organized or to be organized in the State, was taken up, and substitute of the committee on Military Affairs adopted.

On motion of Mr. Henderson of Harris, the "Turner Rifles," was added.

Mr. Wælder moved to strike out that portion of the bill which exempts members of Military Companies from Jury duty.

On motion of Mr. Edwards, laid on the table, and bill ordered to be engrossed; rule suspended, read third time and passed by a two-third vote.

On motion of Mr. Barnard, a bill supplemental to the Charter of the Aransas Road Company, was taken up and substituted by the Senate bill having same objects.

Mr. Barnard offered the following amendment, which was adopted :

Insert at the end of 3rd Section : “ *Provided*, That nothing herein contained shall be so construed as to authorize the said Company to sell or otherwise dispose of any franchise granted by this act or to issue certificates of paid stock for any larger amount than shall have been actually received by said Company in cash or its equivalent ;” and bill passed by a two-third vote.

On motion of Mr. Henderson of Cass, the rules were suspended and a bill to pay Public Debt 2nd class “ C,” was taken up.

On motion, the House adjourned until 7½ o’clock, P. M.

7 1-2 O’CLOCK, P.M.

House met pursuant to adjournment—roll called—quorum present.

Question pending when the House adjourned, viz : A bill to provide for the payment of a certain portion of the Public Debt 2nd class “ C,” taken up, and on motion of Mr. Buckley, made the special order of the day for to-morrow, 10 o’clock, A. M.

Mr. Walling introduced a bill donating five leagues of Land to each of the Literary Colleges of the State of Texas ; read first and second times and referred to committee on Education.

Mr. Rainey, Chairman of committee on Internal Improvements, reported recommending the passage of a bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, and the act supplemental thereto ; report received.

On motion of Mr. Rainey, the rule was suspended, and the bill and report taken up ; bill read, and Mr. Evans of McLennan, offered the following amendment to Section 4 :

Strike out the “ 20th day of June,” and insert “ October 1st, 1857 ;” laid on the table, and bill passed to a third reading, rule further suspended, bill read third time and passed by a two-third vote.

Mr. Rainey also, reported recommending the passage of a bill to incorporate the Opelousas and Texas Western Railroad Company.

On motion of Mr. Rainey, the rule was suspended and the bill taken up and passed to a third reading ; rule further suspended, bill read third time and passed by a two-third vote.

Mr. Henderson of Harris, moved to suspend the rule and take up a bill supplementary to and amendatory of an act to regulate Railroad Companies, approved February 7, 1853—carried, bill read and Mr. Jennings proposed to amend by striking out 6th Section. House refused to adopt the amendment.

Mr. Wælder proposed to strike out the 1st Section of the bill.

Mr. Buckley proposed to substitute the amendment by the following :

1st Section, 9th line, between the words “roads,” “and,” insert “and other bona fide indebtedness”—adopted.

Mr. Aycock offered the following amendment :

Add Section — Every Railroad Company shall require all the proceedings of their direction to be published every three months in a circular form, and at least one copy thereof transmitted to every stockholder interested in such Company—lost.

Mr. Wælder offered to amend by striking out 7th Section. The House refused to strike out.

Mr. Buckley offered the following amendment to 7th Section : First line, 7th Section, between “shall” and “at,” insert “by its President and Secretary.”

Second line between “State” and “a,” insert “under oath.”

Third line between “amount” and “of,” insert “and character.”

Mr. Wælder offered the following amendment : Strike out “from and after its passage,” and insert “from and after the 1st day of May, 1858.”

On motion of Mr. Rainey, laid on the table.

Mr. Wælder moved to reconsider the vote just taken, laying the amendment on the table—lost.

Mr. Buckley offered an additional Section to the bill—adopted.

Mr. Mills proposed to amend as follows : In 14th Section, 2nd line between the words “killed” and “or,” insert “injured.” Same line, between the words “destroyed” and “by,” insert “injured”—adopted, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed.

On motion of Mr. Locke, the rule was suspended and a bill

to regulate the printing of the Governor's Proclamations, with report from committee, recommending a substitute, taken up.

Mr. Harris of Titus, moved to adjourn until 9 1-2 o'clock, A. M. to-morrow—lost.

Substitute adopted and ordered to be engrossed ; rule further suspended, bill read third time and passed.

Mr. Henderson of Harris, offered the following resolution :

Resolved, That the Reporter of this House be required to finish the reports and debates down to the day of adjournment—adopted.

On motion of Mr. Craig, Messrs. Cleveland, Chilton, and Wælder, were added to a special committee on the Junction Railroad.

On motion, the House adjourned until 9 1-2 o'clock, A. M. to-morrow.

AUSTIN, Wednesday, February 10th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

Mr. Clow, one of the committee on Engrossed Bills, reported as follows :

The committee on Engrossed Bills have examined and find correctly engrossed—A bill to be entitled an act to amend the 15th section of an act to organize the District Courts, and to define their powers and jurisdiction, approved May 11, 1846.

A bill to be entitled an act to provide for making legal and valid the transcripts of records of surveys and maps taken from Cooke and Denton land districts, and now included in Young county land district.

And a bill to be entitled an act to require the commissioner of the General Land Office to make out transcripts of field notes of surveys heretofore made in Milam and Bexar land districts, which have been returned to his office and which surveys are now included in Young county land districts, together with sketch maps of such surveys.

Also a bill to amend an act to incorporate the Brownsville and Rio Grande Railroad Company.

Report accepted.

A message was received from the Senate, announcing the passage of the following bills, originating in the House :

A bill to authorize the county Court of Gonzales county to levy a special tax, with an amendment.

A bill to make legal and valid the transcripts of records of surveys and maps taken from Cooke and Denton land districts, now included in Young county.

A bill to authorize the County Court of Webb county to levy a special tax.

A bill to require the commissioner of the General Land Office to make out transcripts of field notes of surveys heretofore made in Milam and Bexar land district, which have been returned to his office, and which are now included in Young land district, together with sketch maps of such surveys.

And a bill to allow James H. Matthews to construct a dam across the Colorado river.

And a Senate bill to allow Thomas P. Ochiltree to practice law in the Courts of this State.

Mr. Kittrell, Chairman of the committee on Education, reported as follows, on a bill granting five leagues of land to each Literary College in the State :

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives :

A portion of the committee on Education, to whom was referred a bill donating five leagues of land to each of the Literary Colleges in the State, have examined the subject, and take great pleasure in commending it to the attention of the Legislature, as one eminently worthy of their favorable consideration.

They deem the application of the public domain to the purposes of promoting education as legitimate and proper, and the surest means of diffusing the greatest amount of good to the greatest number within our State—which is a principle that lies at the foundation of all wholesome and proper legislation.

Your committee would suggest that they deem the literary colleges of our State, which have struggled into existence by individual and associated enterprise, as every way entitled to and worthy of the fostering care of legislative patronage. They already exist among us, and are dispensing the lights of science and the general blessings of education. Some of them, indeed most of them, are languishing from the want of aid, and now, are loudly demanding it at our hands. Your committee do most earnestly hope that your honorable body will

not turn a deaf ear to their wants and entreaties, but grant them the reasonable boon asked for in the bill under consideration. As our finances are in a condition to preclude the hope of much pecuniary aid to these institutions, they would suggest, that, to grant the *landed* aid asked for in the bill, would certainly be a much more legitimate and proper application of our public domain than to suffer it to pass into the hands of the greedy and rapacious land speculators, by which it might become an instrument of oppression, rather than a benefit or blessing to the people generally. Your committee, therefore, have instructed me to report the bill back as amended, and recommend its passage.

P. W. KITTRELL,
Chairman.

On motion of Mr. Walling, the report and bill were taken up.

Mr. Upshaw offered the following as an amendment to the committee's amendment :

That when there are two or more chartered Colleges in any one county, the amount of land, granted by this bill, shall be equally divided among them.

Mr. Henderson of Harris offered the following as a substitute for the committee's amendment and the amendment thereto :

Strike out "Literary Colleges," and insert "five leagues to each county for common school purposes."

Mr. Gaston moved to substitute bill No. 175 for the bill and amendments.

Mr. Clow moved to lay the whole subject on the table ; lost—19 yeas, 45 nays.

On motion of Mr. Buckley, the bill and amendments were referred to a select committee of five.

On motion of Mr. Hart, the rule was suspended, and a substitute for a Senate bill to amend the 2d section of an act to re-organize the 8th Judicial District, and define the time of holding Courts therein, taken up ; read and passed to a third reading ; rule suspended, bill read third time and passed.

Mr. Upshaw, one of the committee on Military Affairs, made the following report :

The committee on Military Affairs, to whom was referred a resolution inquiring into the necessity of establishing a State Arsenal, have had the same under consideration, and instruct me to report that they deem it highly important to establish

a State Arsenal, and have selected the city of Houston as the site, on account of its central position, its being accessible to every portion of the State by railway, and stage communication, and to navigation, while it is free from salt air, which is injurious to arms. Your committee have, therefore, instructed me to report the accompanying bill and recommend its passage.

Report received and bill read first time.

Mr. Brown, Chairman of a Select committee, submitted the following report :

Mr. Speaker :

The Select committee, to whom were referred two bills providing for the management of the State Library and the control of the Capitol, &c., have investigated the same, together with the proposition to establish an Agricultural Bureau. While the latter object is a most desirable one, and the plan proposed believed to be an excellent one, to which we would recommend the favorable action of the next Legislature, the committee recommend, as highly necessary at this time, the passage of the "bill creating a Board of Trustees for the management and superintendence of the Capitol and the State Library." The lateness of the session, and the pressing importance of some legislation for the protection of the Capitol and Library, induce the committee earnestly to recommend the immediate passage of the bill.

JOHN HENRY BROWN,
P. W. KITTRELL,
THOS. F. MCKINNEY.

Report received.

Mr. Norton, one of the committee on Public Buildings, reported recommending the passage of a bill to provide for the safe keeping of the Capitol and furniture belonging to the State. Report received.

The Speaker announced Messrs. Buckley, Brown, Munson, Aycock, and Walling, a Select committee on a bill granting five leagues of land to literary Colleges in Texas.

On motion of Mr. McKinney of Travis, the rule was suspended, and the report and bill to provide for the safe keeping of the Capitol and furniture belonging to the State, taken up.

Mr. Wood proposed to amend the bill by striking out the names of all of the Trustees named in the bill, except that of the Governor.

Mr. Buckley moved to lay the bill and amendment on the table ; lost.

Mr. McKinney of Travis offered a substitute for the bill.

On motion of Mr. Craig, the bill and amendments were referred to a Select committee of five.

Mr. Reeves offered the following resolution :

Resolved, That the Chief Clerk of the House of Representatives is hereby required, after the adjournment of the present Legislature, to arrange and file all the papers and unfinished business of the House of Representatives of the several sessions of Congress of the late Republic, and also those of past Legislatures of the State of Texas, and to index the same in a large index book, to be procured by him for that purpose—capable of being continued hereafter—for which he shall be paid such compensation as the Secretary of State, Comptroller and Treasurer, may allow out of the contingent fund of the seventh Legislature.

The Chair decided the resolution to be a Joint resolution, and was on its first reading, and must lay on the table, to come up in its regular order.

Mr. Reeves moved to suspend the rule, in order to read the resolution a second time ; lost.

HON. M. F. LOCKE,

Speaker of the House of Representatives :

The Joint committee on Enrolled Bills have this day examined the following bills, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature :

An act declaring the intent, meaning, and true construction of the 8th section of an act passed August 1st, 1856, entitled an act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas, by making appropriations for the same, and supplemental thereto.

An act to amend an act to create the county of San Saba.

An act to regulate Mustang chases west of the San Antonio river.

An act to amend an act to create the county of Llano.

An act to authorize and require the Commissioner of Claims to issue certain land certificates therein named.

Also an act for the relief of Wm. H. Jones.

An act to establish the University of Texas.

An act to extend the provisions of an act to restore lands

sold for taxes, and purchased by the State, to the former owners on certain conditions, approved February 5th, 1856.

An act to authorize the Comptroller to receive and receipt for taxes.

RICHARD WATERHOUSE,

February 9th, 1858.

One of the committee.

Report accepted.

Mr. Rainey offered the following Resolution

Resolved, That the committee on Public Lands be requested to report back to the House, a bill entitled an act to limit the location of land certificates. Adopted.

Mr. Navarro introduced a bill to authorize certain parties to bring suit in the District Court for the establishment of certain headright certificates; read first time.

Mr. Navarro moved to suspend the rule in order to take up the bill—lost.

Mr. Howerton offered the following Resolution :

Resolved, That the Chief Clerk is hereby directed to issue to A. Evans, setting member from Austin county, a certificate for the per diem pay from the commencement of this session and for his milage. Adopted.

On motion of Mr. Lewter the tax bill, was taken up and on motion the house went into committee of the whole on the bill.

Mr. Rainey was called to the Chair as Chairman of committee of the whole, committee rose reported progress and asked leave to set again at 4½ o'clock; report adopted.

Mr. Reeves moved to add Messrs Smith of Fannin, Bishop, and Mills to committee on the Junction Railroad.

Mr. Chilton moved to amend by adding the names of Messrs Poag and Henderson of Harris.

On motion the House adjourned until 3½ o'clock P. M

3 O'CLOCK, P. M.

House met—roll called—no quorum present.

Sergeant-at-Arms dispatched for absentees.

Quorum present.

Question pending when the House adjourned, viz: Mr. Chilton's motion to amend Mr. Reeves' motion, was put and carried, and Mr. Reeves' motion, as amended, adopted.

On motion of Mr. Smith of Fannin, Messrs. Howerton and Ross were added to the same committee.

The tax bill was again taken up, and on motion of Mr. Kittrell, laid on the table for the present.

On motion of Mr. Kittrell, the following House bills with Senate amendments, were taken up, and disposed of as follows :

A bill to purchase a permanent location for the institution of the Blind ; Senate amendment concurred in.

A bill supplemental to an act to fix the times of holding the District Courts in the fourteenth Judicial District ; amendment concurred in.

A bill to amend an act to create the fifteenth Judicial District, provide for the election of a Judge and District Attorney thereof, and define the time of holding courts therein, approved January 21st, 1856 ; amendment concurred in.

A bill for the relief of the heirs of Frederick Heniger or their assigns ; amendment concurred in.

On motion of Mr. Kittrell, a bill supplemental to an act to create the county of Chambers taken up ; read first and second times, and the question being on the passage of the bill to a third reading, the yeas and nays were called and stood thus : Yeas 48, nays 19.

So the bill passed to a third reading.

Rule further suspended, bill read third time and passed by a vote of 43 yeas to 28 nays.

YEAS.—Messrs Speaker, Aycock, Bishop, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dennis, Doom, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Gaston, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Washington, Henderson of Cass, Henderson of Washington, Higgins, Howerton, Kinney, Kittrell, Merriman, Norton, Poag, Price, Roberts, Ross, Runnels, Shelton, Smith of Orange, Upshaw, Wælder, Walling, Waterhouse and Wood—43.

NAYS.—Messrs Barnard, Brown, Burks, Carroll, Chance, Edwards, Harrison, Hart, Jennings, Johnson, Joseph, Lacy, Latham, Lee, Lesueur, Lewter, Lloyd, McKenney of Hopkins, McKinney of Travis, Mills, Munson, Navarro, Powell, Rainey, Rhodes, Rogers, Smith of Fannin and Tait—28.

A bill to authorize the County Court of Gonzales to levy a special tax, with an amendment from the Senate, taken up and amendment concurred in.

The Speaker announced Messrs. Craig, Lee and Clow a Spe-

cial committee on a bill to provide for the safe keeping of the Capitol and Furniture belonging to the State.

A bill for the relief of the heirs of John B. Fox, taken up and Senate amendment concurred in.

A Senate bill supplemental to an act to incorporate the Sabine and Rio Grande Railroad Company, approved February 6th, 1854, taken up; read first time.

On motion of Mr. Doom, rule suspended, read second time and passed to a third reading; rule suspended, bill read third time and passed by a two-thirds vote.

A Senate bill for the relief of Lewis David; taken up, read first and second times and referred to committee on Private Land Claims.

A bill for the relief of John W. Hayden; read first and second times and referred to the committee on Private Land Claims.

A Senate bill to authorize Thomas P. Ochiltree to practice law in the Courts of this State; taken up, read first and second times and passed to a third reading; rule suspended, bill read third time and passed.

A bill for the relief of the heirs of Jefferson Smith; read first and second times and referred to the committee on Private Land Claims.

A bill for the relief of the heirs of Leonard A. and John Ashmore; read first and second times and referred to committee on Private Land Claims.

A bill for the relief of the heirs of John Gay; read first and second times.

Mr. Henderson of Harris moved to suspend the rule and take up the bill; lost.

Mr. Henderson of Harris moved to lay the bill on the table; lost, and the bill referred to a Select committee, consisting of Messrs. Chilton, Henderson of Harris, and Rainey.

On motion of Mr. Cleveland, the rule was suspended, and a bill relative to the Indians in Polk county taken up.

On motion, the House adjourned until 7½ o'clock, P. M.—Pending, bill relative to Indians in Polk county.

7½ O'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Johnson, one of committee on Engrossed Bills, reported

correctly engrossed, a bill to incorporate all Military Uniform Companies now organized in the State ; report accepted.

Question pending when the House adjourned, viz: A joint resolution and bill relative to the Indians in Polk county, taken up ; resolutions read second time.

Mr. Kinney offered the following amendment :

“ Provided said Indians may and shall be settled in the county of Nueces, if two-thirds of the citizens of said county shall consent to the same, which consent shall be ascertained by a poll held for that purpose ; provided that said Indians consent to the same.”

Mr. Norton moved to indefinitely postpone the resolutions and amendment.

Mr. Powell moved to lay the motion to postpone on the table ; lost.

On motion of Mr. Roberts, the main question was ordered, which being the indefinite postponement of the bill, the yeas and nays were demanded, and stood : Yeas 26, nays 32.

No quorum having voted, the House adjourned until 9½ o'clock, A. M.

Pending, motion to indefinitely postpone.

AUSTIN, February 11th, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Aycock Chairman of the Committee on Public Lands, reported asking to be discharged from the further consideration of a bill limiting the location of land certificates ; report received.

Mr. Buckley, Chairman of the committee on Private Land Claims, reported recommending the passage of a Senate's bill for the relief of the heirs of Jefferson Smith, deceased ; report received.

BILLS AND RESOLUTIONS.

Mr. Norton introduced a bill to donate to actual resident citizens of the State who are heads of families and who have not heretofore received land, and who are not entitled to land under existing laws, one hundred and sixty acres of land.

Mr. Norton moved to suspend the rule and read the bill a second time—lost.

UNFINISHED BUSINESS.

The unfinished business of yesterday taken up, viz : Joint Resolutions in relation to the Indians residing in the county of Polk.

Mr. Wælder reported back without action a Senate's bill having same objects as the Joint Resolutions.

Mr. Henderson of Harris moved to substitute the Senate's bill for the resolution.

On motion of Mr. Doom the bill was referred to a select committee of three.

The Speaker announced Messrs. Cleveland, McKinney of Travis, and Jennings as said committee.

On motion of Mr. Smith of Orange, the rule was suspended and a bill for the relief of the Sabine, Galveston Bay Rail and Lumber Co., was taken up and ordered to be engrossed, rule suspended, read third time and passed.

On motion of Mr. Walling the rule was suspended and a bill to be entitled an act, supplementary to an act supplementary to and amendatory of an act to ascertain the legal claims for money and lands against the State, passed August 1st, 1856, approved January 16th, 1858, was taken up, with an amendment from the committee on the Judiciary, amendment adopted and bill passed to a third reading, rule suspended, read third time and passed.

On motion of Mr. Ross, the rule was suspended, and a bill to amend an act to regulate juries, with an amendment from the Judiciary committee, amendment adopted, and bill passed to a third reading, rule suspended, read third time and passed.

[Mr. Evans of McLennan in the Chair.]

On motion of Mr. Buckley the rule was suspended by a vote of 49 yeas to 17 nays, and a bill for the distribution of the standard of weights and measures in this State, was taken up.

Mr. Wælder appealed from the decision of the Chair, on the ground that it required a four-fifth vote to suspend the rule.

The question being put, the decision of the Chair was sustained in his ruling that it only required a two-third vote to suspend the rule.

The substitute offered by the committee was then adopted.

Mr. Henderson of Harris moved to amend by striking out the word "two" after the words respectively in the first sec-

tion, and insert one and add after the word person in the first section the following words "who shall appoint three or more deputies."

Mr. Rainey offered the following as an amendment to the amendment :

Provided that there shall be but one weigher appointed for the city of Houston—laid on the table.

Mr. Rainey then moved to lay the amendment of Mr. Henderson of Harris on the table—lost, and amendment adopted.

Mr. Tait offered the following amendment: "Sec. 5, (shall hereafter read,) he shall be allowed one cent and a quarter for every hundred pounds of cotton weighed, marked and certified by him, and shall not be obliged to deliver the cotton so weighed marked and certified until said charge be paid and satisfied.

Mr. McKinney of Travis, offered the following as a substitute for the bill and amendments, viz: An act to repeal an act creating the office of weigher of cotton for certain ports in this State, approved 1st September, 1856.

SEC. 1st. *Be it enacted by the Legislature of the State of Texas* : that the above recited act be, and the same is hereby repealed.

On motion of Mr. Buckley the substitute was laid on the table.

Mr. Higgins offered the following amendment: "strike out one and a quarter cents per hundred pounds, and insert five cents per bale."

Mr. Henderson of Harris, moved to lay the amendments of Messrs. Higgins and Tait on the table—a division of the question was called for, and Mr. Higgins's amendment was laid on the table. The question recurring on laying the amendment of Mr. Tait on the table, the same was put and the House refused to lay the same on the table, and the amendment was then adopted.

Mr. McKinney of Travis moved to amend as follows :

"Provided, that the provisions of this act shall not be construed so as to prevent owners of cotton and buyers from agreeing upon a weigher between themselves, to weigh such cotton as is sold and bought by the parties to such agreement."

On motion laid on the table.

On motion of Mr. Rainey the previous question was ordered—which being on the engrossment of the bill, the same was put and the bill was ordered to be engrossed.

On motion the caption was amended, by striking out, "March 20th 1848, and inserting February 11th 1850," and bill was passed.

On motion of Mr. Ross, a bill to establish a system of weights and measures for this State—taken up, when

Mr. Ross offered a substitute for the bill which was adopted—the bill was then ordered to be engrossed, rule suspended, read third time and passed.

Mr. Hall moved to suspend the rule and take up a bill relative to District Attorneys—lost.

Mr. Lewter moved to take up the tax bill—lost.

On motion of Mr. Cooley the rule was suspended, and a bill to provide for the payment of three companies of minute men, commanded by Captains John W. Sansom, John D. Davenport and Reading W. Black, was taken up, passed to a third reading, rule suspended, read third time and passed.

On motion the House proceeded to the consideration of the orders of the day.

The tax bill was again taken up.

Mr. Lesueur offered an additional section to the bill.

Mr. Evans of McLennan moved to lay the bill and amendments on the table.

On motion of Mr. Aycock a call of the House was ordered.

On motion the House adjourned until three o'clock, P. M.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

The question pending when the House adjourned, viz: Mr. Evans of M'Lennan's motion 'o lay the bill and amendments on the table was put and lost.

Mr. Lewter moved to lay the substitute reported from the committee of the whole for the tax bill on the table.

The yeas and nays were demanded and stood:

YEAS—Messrs. Speaker, Chilton, Collier, Doom, Evans of Austin, Evans of McLennan, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Higgins, Joseph, Lacy, Lee, Lewter, Lloyd, McKenney of Hopkins, Mills, Norton, Rainey, Reeves, Roberts, Ross, Shelton, Tait, Walling and Waterhouse—28.

NAYS—Messrs. Aycock, Barnard, Bishop, Buckley, Carroll, Chance, Cleveland, Craig, Crook, Dennis, Fisher, Hall, Har-

demman, Harris of Guadalupe, Haynes of Washington, Howerton, Jennings, Kittrell, Latham, Lesueur, McKinney of Travis, Merriman, Munson, Navarro, Powell, Price, Rhodes, Rogers, Runnels, Smith of Orange and Wood—31.

So the House refused to lay the substitute on the table.

The question recurring on the adoption of the substitute,

On motion of Mr. Cleveland the main question was ordered, and the yeas and nays were demanded and stood :

YEAS—Messrs. Aycock, Bishop, Buckley, Carroll, Chance, Cleveland, Clow, Craig, Crook, Dennis, Everett, Fisher, Gaston, Hall, Hardeman, Hart, Henderson of Harris, Howerton, Jennings, Kittrell, Latham, Lesueur, McKinney of Travis, Munson, Navarro, Powell, Rhodes, Runnels, Smith of Orange, Upshaw, Wælder and Wood—32.

NAYS—Messrs. Speaker, Barnard, Chilton, Collier, Doom, Evans of Austin, Evans of McLennan, Harris of Guadalupe, Harris of Titus, Harrison, Henderson of Cass, Higgins, Joseph, Lacy, Lee, Lewter, Lloyd, McKenney of Hopkins, Merriman, Mills, Norton, Price, Rainey, Reeves, Roberts, Ross, Shelton, Tait, Walling and Waterhouse—30.

So the substitute was adopted.

Mr. Powell offered the following amendment—strike out 20th March, 1848, in last section, and insert February 11th, 1850—adopted.

Mr. Lesueur offered the following additional sections :

SEC. 8. If any person shall fail or refuse to pay the taxes imposed upon him and his property by law, until the first day of March succeeding the time at which the assessment roll of his county is required to be returned to the Comptroller, the Assessor and Collector shall, from and by virtue of his tax list, issue a warrant order to the Sheriff or any Constable of the county, commanding him to levy upon and sell any property belonging to such delinquent tax payer, in satisfaction of the taxes due, stating the amount of the same. For issuing such order of sale the Assessor and Collector shall be entitled to a fee of fifty cents, and the Sheriff or Constable executing the same to such fee as allowed him in ordinary cases of execution from Courts of Justice.

SEC. 9. The Sheriff or Constable shall execute the process so directed in the same manner as ordinary executions are required to be enforced, and make his returns to the Assessor and Collector within sixty days from the date of issuing the same ; he shall possess the same rights and powers under such

order as he possesses under execution, issued in ordinary cases from Justices Courts, for the collection of money.

The House refused to adopt the sections.

Mr. Lewter proposed to strike out all after the fourth section.

Mr. Evans of McLennan, proposed to amend the amendment by adding the original bill reported by the Committee from section 4.

Mr. Reeves moved to lay the bill and amendments on the table. The yeas and nays were called and stood :

YEAS—Messrs. Speaker, Bishop, Brown, Carroll, Chilton, Clow, Collier, Dennis, Doom, Evans of Austin, Evans of McLennan, Everett, French, Gaston, Hall, Hardeman, Harris of Titus, Harrison, Henderson of Cass, Higgins, Howerton, Jennings, Kinney, Lacy, Latham, Lee, Leseuer, McKenney of Hopkins, McKinney of Travis, Merriman, Munson, Reeves, Roberts, Smith of Orange, Tait, Walling, Waterhouse and Wood—38.

NAYS—Messrs. Aycock, Barnard, Buckley, Chance, Cleveland, Craig, Crook, Edwards, Fisher, Hart, Henderson of Harris, Joseph, Kittrell, Lewter, Lloyd, Mills, Navarro, Norton, Powell, Price, Rhodes, Rogers, Upshaw and Wælder—24.

So the substitute was laid on the table.

Mr. Lee, one of a select committee, reported a substitute for a bill to provide for the safe keeping of the Capitol and furniture belonging to the State, and recommended its passage; report received.

A message was received from the Senate announcing the passage of the following House bills :

A bill for the relief of J. D. Hamilton.

A bill for the relief of the Sabine and Galveston Bay Railroad and Lumber Company.

A bill to prohibit the sale of liquors to Indians of the territory bordering on the State of Texas.

A bill to encourage the reclamation of slaves, escaping beyond the limits of the slave territories of the United States.

A bill to amend an act to incorporate the Brownsville and Rio Grande Rail Road Company.

A bill to create the county of Blanco, and to adjust the boundaries of counties affected thereby.

And a bill to incorporate all military uniform companies now organized or to be organized in the State, with an amendment.

And of the passage of the following Senate bills relinquishing to Catherine R. J. Jones all the right and title of the State to the escheated property of David Williams, deceased.

A bill for the relief of F. W. Johnson.

A bill to incorporate the Columbus, San Antonio, and Rio Grande Rail Road Company.

A bill to repeal an act changing a portion of the boundaries of the counties of Calhoun, Victoria and Refugio, passed September 1st, 1856.

A bill to amend an act defining the office and duties of Sheriff's, passed May 12th 1846.

And Joint Resolution in response to the Governor's Message on Kansas Affairs. Also, that

The Senate concurred in the amendments of the House to the following Senate bills :

A bill to legalize surveys in the disputed territory between Milam and Bexar Land Districts.

A bill to amend an act to regulate juries.

A bill supplementary to an act supplementary to and amendatory of an act, to ascertain the legal claims for money and land against the State, passed August 1, 1856, approved January 16th, 1858.

And a bill supplemental to the charter of the Aransas Road Company.

Mr. Jennings, Chairman of a select committee reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The select committee to whom were referred a Senate bill to be entitled an act to authorize the Governor to appoint an agent for the Alabama and Coshatte Indians, a House bill to be entitled an act reserving from location those lands in Polk county, now occupied by Indians, and certain Joint Resolutions in relation to Indians residing in the county of Polk, have instructed me to report that they regard the object of the Senate bill as impracticable and impolitic, and to recommend its indefinite postponement together with the House bill the object of which they propose to accomplish by an amendment to said Joint Resolutions, the adoption of which with the accompanying amendment your committee recommend.

THOS. J. JENNINGS,
One of the Committee.

The select committee have also instructed me to recommend the rejection of the amendment proposed by the Hon. Member from Nueces, as its objects can be accomplished under the provisions of the bill as they now stand, should the Governor deem the settlement of the Indians contemplated by this amendment a proper one, and the Indians and citizens of Nueces agree thereto.

JENNINGS,

One of the Committee.

On motion of Mr. Cleveland the rule was suspended, report and resolutions taken up, resolutions read.

Mr. Doom proposed to amend as follows: after "Polk" add "and Tyler," adopted and resolutions ordered to be engrossed—rule further suspended, read third time and passed.

On motion of Mr. Bishop the rule was suspended and a bill for the relief of settlers upon the public domain, by virtue of Peter's Colony certificates taken up.

Mr. Roberts moved the indefinite postponement of the bill.

Mr. Leseuer moved to adjourn till half-past seven o'clock—lost.

The main question was ordered, which being the motion to indefinitely postpone, the same was put and stood:

YEAS—Messrs. Speaker, Carroll, Cleveland, Clow, Cooley, Craig, Crook, Edwards, Fisher, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Henderson of Cass, Henderson of Harris, Howerton, Latham, Lee, Merriman, Munson, Powell, Roberts, Rogers, Ross, Tait, Walling and Waterhouse—27.

NAYS—Messrs. Aycock, Barnard, Bishop, Chance, Chilton, Dennis, Evans of Austin, Evans of McLennan, Everett, French, Gaston, Harrison, Hart, Haynes of Starr, Higgins, Jennings, Johnson, Joseph, Kinney, Kittrell, Lacy, Leseuer, Lewter, McKenney of Hopkins, McKinney of Travis, Mills, Navarro, Norton, Poag, Rainey, Reeves, Rhodes, Shelton, Smith of Orange, Upshaw and Wood—36.

The House refused to postpone indefinitely.

On motion the House adjourned until half past seven o'clock, P. M.—pending the adoption of the substitute.

7½ O'CLOCK, P. M.

House met pursuant to adjournment—roll called, quorum present.

Question pending when the House adjourned, the adop-

tion of the substitute recommended by the committee on Public Lands to a bill for the relief of settlers on the public domain by virtue of Peters' colony certificates.

Mr. Wælder moved to lay the bill on the table, for the present—lost by the following vote :

YEAS—Messrs. Speaker, Brown, Burks, Carroll, Collier, Craig, Crook, Edwards, Fisher, Gaston, Hardeman, Harris of Titus, Henderson of Cass, Howerton, Kittrell, Latham, Lloyd, Merriman, Munson, Powell, Roberts, Rogers, Ross, Tait, Wælder, Walling and Waterhouse—27.

NAYS—Messrs. Aycock, Barnard, Bishop, Buckley, Chance, Cleveland, Dennis, Evans of McLennan, Everett, Harris of Guadalupe, Harrison, Hart, Higgins, Jennings, Johnson, Joseph, Kinney, Lacy, Lee, Lewter, McKenney of Hopkins, McKinney of Travis, Mills, Navarro, Norton, Poag, Price, Rainey, Reeves, Rhodes, Runnels, Shelton, Smith of Fannin, Smith of Orange, Upshaw and Wood—37.

Question on the adoption of the substitute was put and the substitute adopted.

Mr. Powell moved to amend by striking out 6 months wherever it occurs in the bill, adopted.

Mr. Chilton offered the following amendment :

1st Section. Strike out 50cts and insert "such price as may be determined upon by law, as the price of public land in this State."

Mr. Buckley proposed to amend the amendment by inserting \$1 per acre, instead of such price as may be determined upon by law.

Mr. Chilton withdrew his amendment, and

Mr. Buckley offered his amendment as an amendment to the bill.

Mr. Rainey offered the following substitute for the amendment :

Insert after the word "acre" in the 21st line of the 1st section, "or such price as may be fixed by law upon the public domain."

Mr. Latham moved to lay the substitute and amendment on the table, lost, the substitute was accepted.

Mr. Lee offered a substitute for the bill and amendment.

Mr. Chilton moved to lay the substitute on the table—the yeas and nays were demanded and stood :

YEAS—Messrs. Aycock, Barnard, Bishop, Brown, Buckley, Chance, Chilton, Cleveland, Everett, French, Gaston, Harrison,

Hart, Haynes of Starr, Higgins, Howerton, Jennings, Johnson, Joseph, Lewter, McKenney of Hopkins, Mills, Navarro, Norton, Poag, Rainey, Reeves, Rhodes, Smith of Fannin, Smith of Orange, Wælder and Wood—32,

NAYS—Messrs. Speaker, Burks, Carroll, Clow, Collier, Cooley, Craig, Crook, Dennis, Doom, Edwards, Evans of McLennan, Fisher, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Washington, Henderson of Cass, Kinney, Kittrell, Lacy, Latham, Lee, Lloyd, McKinney of Travis, Merriman, Munson, Powell, Roberts, Rogers, Ross, Runnels, Shelton, Tait, Upshaw, Walling and Waterhouse—38.

So the House refused to lay the substitute on the table.

On motion of Mr. Rainey the main question was ordered, and the substitute adopted.

Mr. Hart proposed to amend by striking out one dollar for actual settlers and insert fifty cents.

Mr. Collier offered the following as a substitute for the amendment :

“ Strike out one dollar wherever it occurs, and insert fifty cents. Strike out one dollar and fifty cents wherever it occurs and insert seventy-five cents. Strike out two dollars wherever it occurs and insert one dollar and twenty-five cents.

Mr. moved to lay the substitute and amendment on the table.

The yeas and nays were demanded, and stood :

YEAS—Messrs. Speaker, Burks, Brown, Carroll, Clow, Craig, Crook, Dennis, Doom, Edwards, Fisher, French, Gaston, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Howerton, Jennings, Johnson, Joseph, Kittrell, Lacy, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Powell, Rainey, Rogers, Ross, Runnels, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling and Waterhouse—44.

NAYS—Messrs. Aycock, Barnard, Bishop, Chance, Chilton, Cleveland, Collier, Cooley, Evans of McLennan, Harrison, Hart, Lewter, Lloyd, McKenney of Hopkins, Navarro, Poag, Reeves, Rhodes, Roberts and Wood—21.

So the amendment and substitute were laid on the table.

Mr. Brown moved to substitute the Senate bill for the bill on the same subject for the bill before the House, carried.

Mr. Reeves proposed to strike out the caption and insert, a bill for the relief of Rail Road Companies, laid on the table.

On motion of Mr. Rainey the main question was ordered, and the bill passed to a third reading.

Mr. Poag moved a call of the House, lost.

On motion the main question was ordered, and the rule was suspended, bill read third time and passed.

Mr. Waterhouse, one of the committee on Enrolled bills made the following report :

Hon. F. M. LOCKE,

Speaker of the House of Representatives :

The Joint Committee on Enrolled bills have examined the following bills, find them correctly enrolled, properly signed, and presented to the Governor for his signature and approval :

1 An act to relinquish the State Tax for the years 1858 and 1859, to certain counties for the purposes therein mentioned.

An act granting to the persons therein named the privilege of erecting a toll bridge across the Angelina river, and to bridge the sloughs at or near the Buckshot crossing.

An act to incorporate the Memphis, El Paso and Pacific Rail Road Company, and the act supplemental thereto.

An act to incorporate the San Antonio Cotton and Woollen Manufacturing Company.

An act to provide for a geological and agricultural survey of the State.

An act to authorize the county court of Webb county to levy a special tax.

RICHARD WATERHOUSE,

One of the Committee.

10th February, 1858.

Also on the 11th February, 1858.

An act to incorporate the Opelousas and Texas Western Rail Road Company.

An act authorizing James H. Matthews to erect a mill on, and construct a dam across the Colorado river.

An act to require the Commissioner of the General Land Office to make out transcripts of field notes of surveys heretofore made in Milam and Bexar Land District, which have been returned to his office, and which surveys are now included in Young Land District, together with sketch maps of such surveys.

An act better to define the boundaries of Chambers county.

An act supplementary to and amendatory of an act entitled

an act to adopt and establish a penal code for the State of Texas ; approved 28th of August 1858.

RICHARD WATERHOUSE,
One of the committee.

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The Joint Committee on Enrolled bills have this day examined the following bills, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature :

An act for the relief of Thomas Cochrane.

An act to provide for making legal and valid the transcripts of records of surveys and maps taken from Cooke and Denton Land Districts and now included in Young county Land District.

An act supplemental to an act entitled an act to change the times of holding District Courts in the tenth and fourteenth Judicial Districts.

An act making an appropriation for the purchase of a permanent location for the institution established for the education of the blind of the State of Texas.

An act to amend an act to create the fifteenth Judicial District, provide for the election of a Judge, and District Attorney thereof, and define the time of holding courts therein, approved 21st January 1856.

An act for the relief of the heirs of Frederick Heniger, deceased, or their assignee.

An act for the relief of John B. Fox.

An act supplemental to an act to incorporate the Sabine and Rio Grande Rail Road Company ; approved 6th February, 1854.

An act to authorize Thomas P. Ochiltree to practice law in the courts of this State.

RICHARD WATERHOUSE,
One of the Committee.

11th February, 1858.

Report accepted.

On motion of Mr. Jennings the rule was suspended, and a bill to provide for a digest of the laws of the State of Texas, taken up and read a third time.

Mr. Poag proposed to amend by striking out "criminal" in the first section, lost and bill passed.

Mr. Reeves moved to suspend the rule and take up a bill to determine what lands have been forfeited to the State, lost by the following vote :

YEAS—Messrs. Speaker, Barnard, Bishop, Carroll, Chilton, Craig, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Jennings, Johnson, Lacy, Lewter, Lloyd, Norton, Poag, Rainey, Reeves, Rhodes, Ross, Runnels, Shelton, Smith of Fannin, Walling, Waterhouse and Wood—30.

NAYS—Messrs. Aycock, Browne, Chance, Cleveland, Clow, Collier, Cooley, Dennis, Edwards, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Washington, Haynes of Starr, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Roberts, Rogers, Smith of Orange, Tait and Upshaw—33.

Mr. Chilton moved to suspend the rule in order to take up the bill to prevent vice and immorality on the Sabbath day.

Mr. Evans of McLennan moved to adjourn until half-past nine o'clock, A. M. to-morrow, lost.

The question being Mr. Chilton's motion to take up the Sunday bill, the same was put and bill taken up by a vote of 48 yeas to 17 nays ; bill read second time.

Vote on Chilton's motion to suspend the rule and take up Sunday bill :

YEAS—Messrs. Speaker, Aycock, Brown, Carroll, Chilton, Cleveland, Collier, Craig, Crook, Dennis, Edwards, Evans of McLennan, Everett, French, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Jennings, Johnson, Joseph, Kittrell, Lacy, Latham, Leseuer, Lewter, Lloyd, McKinney of Travis, Merriman, Mills, Munson, Norton, Rainey, Reeves, Rhodes, Roberts, Ross, Runnels, Shelton, Smith of Fannin, Smith of Orange, Upshaw, Walling, Waterhouse and Wood—48.

NAYS—Messrs. Barnard, Bishop, Chance, Clow, Cooley, Hall, Hardeman, Haynes of Starr, Higgins, Howerton, Kinney, Lee, Poag, Powell, Rogers, Tait and Wælder—17.

Mr. Wood proposed to amend by adding, "except for medicinal, sacramental or mechanical purposes ;" adopted.

Mr. Haynes of Starr, proposed to amend by exempting the counties of Zapata, Webb, Starr, Cameron, Comal, Medina,

Gillespie, Travis, San Patricio, and Refugio, from the provisions of the bill.

The question being on the adoption of the amendment, the yeas and nays were called and stood :

YEAS—Messrs. Speaker, Aycock, Barnard, Bishop, Brown, Chilton, Cleveland, Clow, Cooley, Dennis, Edwards, Evans of McLennan, Gaston, Hardeman, Harrison, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Jennings, Kinney, Kittrell, Lacy, Latham, McKinney of Travis, Mills, Navarro, Powell, Rainey, Roberts, Rogers, Ross, Tait, Wælder and Wood—35.

NAYS—Messrs. Burks, Carroll, Collier, Craig, Crook, Everett, Fisher, French, Hall, Harris of Guadalupe, Harris of Titus, Hart, Henderson of Cass, Higgins, Joseph, Lee, Lloyd, Norton, Poag, Rhodes, Shelton, Smith of Fannin, Upshaw, Walling and Waterhouse—25.

So the amendment was adopted.

Mr. Latham offered the following amendment :

“Provided further, that every free male white person shall be compelled to attend to the church having the largest number of members in the community in which such person resides, at least once on every Sunday, under the pains and penalties herein prescribed.

On motion of Mr. Hart laid on the table.

Mr. Henderson of Harris offered the following amendment :

Provided, that the provisions of this act shall not be so construed as to interfere with the rights of Jews, or to compel the Jews to observe the Christian Sabbath.

Mr. Evans of McLennan offered the following substitute for the amendment :

Provided, that every citizen of this State shall be allowed to determine for himself which one of the seven days of the week he will keep as the Sabbath.

Mr. Howerton moved to adjourn until nine o'clock, A. M., to-morrow, lost.

On motion of Mr. Rainey the main question was ordered, and the House refused to adopt the substitute.

The question then recurring upon the adoption of the amendment offered by Mr. Henderson of Harris, the same was put and the yeas and nays were demanded and stood yeas 22, nays 35. No quorum having voted, on motion of Mr. Roberts the House adjourned until half-past nine o'clock, to-morrow, A. M.

AUSTIN, February 12th, 1858.

House met pursuant to adjournment—roll called—quorum present. Journal of yesterday read and adopted.

Mr. Hart moved to reconsider the vote taken yesterday passing a bill fixing the price of the Public Domain, which was adopted as a substitute for the bill, for the relief of settlers on the Public Domain by virtue of Peter's Colony certificates, the yeas and nays were demanded and stood.

YEAS.—Messrs Barnard, Bishop, Chilton, Cleveland, Collier, Cooley, Dalrymple, Evans of McLennan, Everett, Harrison, Hart, Johnson, Lesueur, Lewter, Lloyd, McKenney, of Hopkins, Norton, Poag, Rainey, Reeves, Rhodes, Runnels and Wood—24.

NAYS.—Messrs Speaker, Aycock, Brown, Buckley, Burks, Chance, Clow, Craig, Crook, Doom, Evans of Austin, Fisher, French, Gaston, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Lacy, Latham, Lee, McKinney of Travis, Merriman, Mills, Wælder, Walling and Waterhouse—45.

So the House refused to reconsider.

Mr. Lesueur by leave recorded his vote against the adoption of the amendment exempting certain counties from the provisions of the bill to prevent vice and immorality on the Sabbath day, also recorded his vote in favor of suspending the rule in order to take up said bill.

On motion Mr. Kittrell was excused from attendance on the House on account of indisposition.

Mr. Rainey, chairman of the committee on Internal Improvements, reported as follows on the petition of Duff Green.

TO THE HON. M. F. LOCKE,

Speaker of the House of Representatives :

The bill entitled an act to incorporate the Union Trust Company, with two accompanying petitions, and circular of Duff Green, have been as maturely considered by the committee on Internal Improvements as their limited time and capacity would admit. Indeed the committee seriously doubt their ability to properly comprehend and appreciate a subject of such magnitude and importance as the one embraced in the bill, circular and attending petitions, but they accord in the opinion as superinduced by investigation and reflection, that the mental, moral, social, commercial, pecuniary and political

condition of the civilized world at this early period of the world's history is not as yet adapted to the introduction of an enterprise so magnificent and gigantic in its character as the one proposed by said bill petitions and circular.

The diversity of political opinion and of pecuniary and social interest now existing between the civilized nations of the world is such as to render impracticable the scheme proposed. And without expressing an opinion as to the policy of rearing in a government like ours, whose Republican feature is in direct opposition to consolidation and monopoly, a grand mammoth corporation which, with its unlimited means and ubiquitous presence, would ere long swallow up and monopolize the trade commerce and financial interest of the combined world, the committee concur in the propriety of postponing the engraftment of so grand and startling a feature upon our commercial policy, until the star of freedom, in its onward and irresistible progress shall have poured its genial rays upon the benighted minds and humbled hearts of the oppressed of all nations, and they with one simultaneous accord, shall arise their eyes flashing with indignant fire, and their arms nerved by oppression to strike off the manacles which link them to bondage, and erect in the place of crumbling thrones and regal palaces, proud and towering monuments dedicated to liberty, around which the votaries of freedom shall daily and nightly kneel to offer thanksgivings to God for their release from tyranny and for enshrining upon their hearts a desire to be free. The committee believe that upon this glorious consummation, when national lines shall be obliterated and the inhabitants of every clime and of every nation upon the habitable globe, shall rally under the same banner and be gathered under the protecting Aegis of constitutional liberty, the time will then have arrived for the grand nationalization of trade, finance and commerce. And the wants and necessities of the age will be peculiarly adapted to the introduction of the enterprise proposed by said bill, circular and accompanying petitions and the laudable efforts and brilliant genius of the distinguished author rewarded by having his name engraved in living letters upon the hearts of an admiring world.

In conclusion, the committee would respectfully recommend the reference of said bill, circular and accompanying petitions to the ensuing, and all subsequent Legislatures until the appropriate time arrives for their consideration, and the wants, necessities, intelligence and advanced condition of the world

demand the adoption of a new system to regulate the financial and commercial interests of men.

All of which is most respectfully submitted.

RAINEY.

Chairman.

Report received.

Mr. Buckley chairman of committee on Private Land Claims, reported recommending the passage of a bill for the relief of Alexander F. Allbright, Enoch Grigsby and the heirs of Charles Gilchrist.

On motion of Mr. Doom, the report and bill were taken up when.

Mr. Roberts offered the following amendment.

And to issue to L. W. Hancock a patent for 320 acres which shall be based upon a survey made by Geo. W. Locke County Surveyor of Shelby county, as appears by the field notes thereof, dated 10th March 1857, upon certificate No. 1464—issued by the Adjutant General of the State on 24th December, 1853 to said Hancock in lieu of a Poe certificate—adopted.

Mr. Navarro proposed to amend by adding the name of Lewis Fuentes for 640 acres of land—adopted.

Mr. Evans of McLennan proposed to amend by adding, in the proper place, 640 acres unconditional certificate to the heirs of Albert Cloyes deceased—laid on the table.

Mr. Mills proposed to amend by adding one-third of a league and labor to the heirs of Wm. A. Lowell deceased—laid on the table.

On motion of Mr. Howerton, the main question was ordered, which being the final passage of the bill; the same was put and bill passed by the following vote :

YEAS.—Messrs Barnard, Bishop, Buckley, Chance, Chilton, Cleveland, Collier, Dalrymple, Doom, Edwards, Evans of Austin, Fisher, French, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Latham, Lesueur, McKinney of Travis, Merriman, Munson, Navarro, Norton, Poag, Powell, Rhodes, Roberts, Runnels, Smith of Orange, Tait, Wælder, Walling, and Waterhouse—38.

NAYS—Messrs Speaker, Brown, Burks, Clow, Craig, Crook, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Johnson, Lewter, McKenney of Hopkins, Mills, Rainey, Rogers, Ross, Shelton, and Smith of Fannin—22.

Mr. Buckley chairman of committee on Private Land Claims reported, recommending the passage of a Senate bill for the relief of W. B. Mauldin.

Report received.

On motion of Mr. Chilton, the rule was suspended and the bill just reported taken up read and passed to a third reading—rule further suspended bill read third time and passed.

A message was received from the Senate announcing the passage of a bill for the relief of Sherrod Roland and Ezekiel Roland.

On motion of Mr. Chilton the rule was suspended and the bill taken up, read first and second and passed to a third reading—rule further suspended bill read third time and passed.

Mr. Lee, one of the committee on Private Land Claims, reported recommending the passage of a Senate bill for the relief of Lewis David.

On motion of Mr. Waterhouse the bill and report were taken up, and bill read, when Mr. Collier, offered the following amendment :

“Add the name of Hann h Alexander, for one league and one labor”—adopted—and bill passed to a third reading—rule further suspended, bill read third time and passed.

Mr. Lee, also reported recommending the passage of a Senate bill for the relief of John W. Hoyden.

On motion of Mr. Lee, the bill just reported was taken up, read and passed to a third reading—rule suspended bill read third time and passed.

On motion of Mr. Smith of Fannin, a bill to prohibit the sale of spirituous or vinous liquors to an Indian of the Territory bordering on the State of Texas, with an amendment of the Senate, was taken up and amendment concurred in.

Mr. Chilton, chairman of the committee on Finance reported recommending the passage of a bill making appropriations for the support of the Penitentiary for the years 1858 and 1859.

Report received.

On motion of Mr. Chilton, the rule was suspended and the bill just reported, was taken up, and passed to a third reading; rule suspended read third time and passed.

Mr. Chilton also reported recommending the passage of a bill for the relief of P. J. Jennings.

Report received.

On motion of Mr. Chilton, the rule was suspended and the

bill was taken up and ordered to be engrossed—rule further suspended, read third time and passed.

Mr. Lewter chairman of the committee on Roads, Bridges and Ferries, reported recommending the passage of a bill to amend the 3d, 9th and 30th sections of an act incorporating the Clarksville and Mount Pleasant Turnpike Company.

On motion of Mr. Lewter, the rule was suspended and the bill was taken up and ordered to a third reading—rule suspended read third time and passed by a two-thirds vote.

Mr. Craig moved to suspend the rule and take up a bill to relieve John F. Pierce from the disabilities of minority—lost.

Mr. Buckley chairman of the committee on Private Land Claims, reported recommending the passage of a bill to be entitled an act for the relief of the heirs of Leonard A. Ashmore, and the heirs of John Ashmore.

Report received.

Mr. Buckley moved to suspend the rule, and take up the bill—lost.

Mr. Johnson, chairman of the committee on Printing made the following report :

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Printing, have carefully examined a bill, originating in the Senate, “to regulate the Public Printing,” and the undersigned, a majority of said committee, respectfully report the same back to the House, and ask to be discharged from its further consideration.

They do not deem it necessary to enumerate all the reasons, which governed them, in the conclusion to which they have arrived.

The inauguration of a policy, such as that contained in the Senate’s bill is, to say the least, of doubtful expediency, and in the opinion of a majority of your committee would prove to be false economy in the end.

They believe that the Legislature should at all times, keep within its own control, the election of a Public Printer as well as the amount of his compensation. To adopt the policy proposed in the Senate’s bill, the selection of a Public Printer and the compensation he would receive, would be left to chance or accident, or perhaps to fraudulent combinations, which is infinitely worse.

It will always require a heavy outlay of capitol, as well as

preparation, to enable the Public Printer to fulfil his whole duty. He should be prepared to do all the work required of him in as speedy a manner as possible ; and this is a qualification only acquired by considerable expenditure of money, in the purchase of material and the necessary expenses of a Printing Office. The Legislature is a proper judge of this qualification and can always act advisedly.

It is reasonable to suppose that a previous combination might impose upon the State an incompetent Printer, and at a price, even higher than the rates now established by law.— It is not a sufficient answer to this proposition, to say, that the Public Printer, would be required to give bond for the faithful performance of his contract. The State might have good and sufficient security, it is true, but it would be a very poor remedy to sue on the bond, after a failure to perform the work in part or in whole, especially at a time when it was too late to get the work done by any one else.

As the law is, the Legislature in Joint Session, elects the Public Printer, and it is fair to presume, the selection is made with reference to competency and ability to fill the place.— The prices are fixed by law, and if too high, the Legislature is not without remedy. Those prices can be altered or amended at any time.

A majority of the committee are therefore, opposed to the policy embraced in the Senate's bill. They think it unsafe, inexpedient, and not demanded by the true principles of political economy.

THOS. J. JOHNSON, *Ch'mn.*
E. D. MCKINNEY,
WM. D. WOOD,
SOMERS KENNEY.

Report received.

Mr. Brown, one of the committee on Printing submitted the following report :

MR. SPEAKER :

As one of the minority of the committee on Printing, a sense of duty to the public interest compels me to dissent from the majority of report on the Senate bill to provide for letting out the public printing by contract, from and after the first day of September 1859.

Four of our committee are opposed to the bill and three in favor of it. It may not be improper to say that it passed the Senate unanimously, and I doubt not a large majority of the House are in favor of it.

I do not believe the present mode of electing a Public Printer at the commencement of each session of the Legislature, to do the work at prices fixed by law, is either wise or just.—It leads to that species of harrassment and lobbying which is ever too apt to beset every Legislature, and often becomes the means of discord among those who should be devoted to the public good.

The public Printing, like all other government work, should be let to the lowest and best bidder, under such bonds as to insure its faithful execution. It should enter the field of fair and honest competition as much as any other mechanical work in the State. Our printing bills have grown from the sum of about eight thousand dollars at the first Legislature of 1846, to thirty-nine thousand dollars at the last Legislature. At the first there were perhaps as many laws passed as at the last, but the work was done by contract.

The revelations of the last two years in Congress on this subject—of extravagance and fraud to fatten the Black Republican printer of the House—the recent action of the Legislature of Louisiana—the heated contests, criminations and recriminations in Mississippi on the same subject, and indeed experience every where, should be a warning to us.

So far as our present Public Printers are concerned, I have no fault to find in the discharge of their duties. I have voted for them twice, and would do so again if another election were at hand. I do not believe we could elect any better or more efficient ones. But it is for a principle of sound public economy, and not the interests of individuals that I contend.—And I here express the deliberate opinion, that as a measure of economy, of sound policy and of justice to the public, and the printing interests of the whole State, the Senate's bill ought to become law. It is well guarded and open to but one objection. It requires all the work to be done in Austin, whereas all except the ordinary work during the sessions—such as bills and reports—should be awarded to the lowest and best bidder in the State, regardless of locality. This is the practice in many States and works well.

While upon this subject, I will add that a large item in the printing bill of this session, will be in subscriptions to the Gazette, Intelligencer, Sentinel, the Tri-Weekly Gazette, and the Appendix, thereby creating the necessity for a Messenger and two extra porters. My experience in former sessions had satisfied me that this was all wrong—an improper waste of

the public funds, and hence I opposed it at the commencement of the present session. The printed journals as sent out in newspapers, do not furnish intelligence in a useful or even intelligible form, and I hold it to be wrong to expend the public money in this way. To a paper containing a brief and intelligible synopsis of business in the Legislature, important documents and a summary of debates on matters of general interest, (such as the Appendix to the Gazette might be,) I was anxious to have the House subscribe, but to no other sort.—Such a paper would be useful to the people.

I trust the House will pass the bill, the majority report to the contrary notwithstanding.

JOHN HENRY BROWN.

The undersigned members of the committee on printing, beg leave to dissent from the view taken by the majority of the committee, so far as their disapproval of the Senate's bill is concerned. They believe that the bill ought to become a law for reasons apparent on its face, and they therefore recommend its passage.

JACOB WÆLDER,
C. WM. TAIT.

Mr. Brown, chairman of committee on Counties and County Boundaries reported as follows :

MR. SPEAKER :

As chairman of committee on Counties and County Boundaries, I herewith report back a bill to create the county of San Jacinto, and ask that the committee be discharged from its further consideration, for the following reasons :

First, the passage of the bill to create Chambers county appropriates about one-third of the territory included within the proposed limits of San Jacinto county.

Secondly, the bill to create San Jacinto county includes a portion of Galveston county, which at present contains but 680 square miles, of which over one-third is water, and the delegation from Galveston, in both Houses, are opposed to the surrender of any part of their already contracted limits.

Thirdly, a constitutional county cannot be formed, without the territory above alluded to. For these reasons, I deemed unnecessary to call the committee together to consider the bill.

JOHN HENRY BROWN,
Chairman.

Mr. Chilton, chairman of a Select committee reported as follows:

Hon. M. F. Locke,

Speaker of the House of Representatives:

The Select committee to whom was referred a bill for the relief of the heirs of John Gay report the same back to the House and recommend its passage without amendment, and state that John Gay was a member of Captain Hall's company and was enlisted for two years or during the war, was honorably discharged—that his name appeared on the muster roll before it was burnt in the Adjutant General's Office, and that he had not drawn his bounty land, all these facts appear by the testimony of Capt. Hall and Maj. Gillett.

G. W. CHILTON,

Report received.

Chairman,

On motion the bill just reported was taken up and the Senate's bill containing same object, was substituted for said bill, and bill passed to a third reading—rule suspended read third time and passed.

On motion of Mr. Evans of Austin, the rule was suspended and a bill for the relief of D. M. Symonds' heirs was taken up read and passed to a third reading—rule suspended read third time and passed.

Mr. Clow, one of the committee on Engrossed Bills reported as follows:

Hon. M. F. Locke,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed, viz:

A bill making an appropriation to pay a portion of the second class debt of the late Republic of Texas.

A bill entitled an act authorizing James H. Matthews, to construct a dam across the Colorado river.

A bill to be entitled an act to authorize the County Court of Webb county to levy a special tax.

A bill to be entitled an act authorizing the County Court of Shelby county to levy and collect a special tax.

A bill to be intitled an act for the relief of Wm. H. Jones.

A bill to be entitled an act to prohibit the sale of spirituous or vinous liquors to an Indian of the territory bordering on the State of Texas.

A bill to be entitled an act supplementary and amendatory

of an act to regulate Railroad companies, approved February 7th 1853, approved December 19th, 1857.

A bill to be entitled an act to create the County of Blanco, and adjust the boundaries of counties affected thereby.

A bill to be entitled an act to provide for arranging, digesting, and publishing, the laws of the State, of a general nature, civil and criminal.

A bill to be entitled an act to establish uniform Weights and Measures.

A bill to be entitled an act to amend the first, second, third and fifth sections of an act creating the office of Weigher of cotton for certain ports in this State, passed September 1st., 1856.

And a bill to regulate the printing of the Proclamation of the Governor ordering the votes to be taken upon Resolutions to change the constitution of the State of Texas.

Mr. Powell introduced the following Resolution which was adopted.

Resolved, That the Comptroller be authorized to audit the accounts of Wm. F. Weeks, for reporting the debates of this House at the same rates and conditions allowed at the last session of the Legislature payable out of the contingent fund of this House.

On motion of Mr. Walling the rule was suspended and a bill to be entitled an act for the relief of Daniel Martin was taken up with an amendment from the Senate—amendments of the Senate concurred in and bill passed.

Mr. Buckley introduced a bill to be entitled an act to re-organize the 15th Judicial District, and regulate the time of holding Courts therein named; read first and second times and ordered to be engrossed—rule suspended read third time and passed.

Mr. Chilton offered the following Resolution:

Resolved, That the Chief Clerk, first and second Assistant Clerks of the House of Representatives are entitled to extra compensation for their untiring and faithful discharge of duties which a protracted and laborious session has imposed upon them, and that they be hereby allowed \$2,50 per day extra pay from and after the commencement of night sessions.

Mr. Fisher moved to amend the resolution by inserting after first and second Assistant Clerks—Enrolling and Engrossing Clerks.

On motion of Mr. Brown—laid on the table—and the Resolution was adopted by the following vote:

YEAS.—Messrs Bishop, Buckley, Chance, Chilton, Cleveland, Crook, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Gaston, Hall, Hardeman, Haynes of Starr, Henderson of Cass, Jennings, Johnson, Kinney, Latham, Lee, Lesueur, McKinney of Hopkins, McKinney of Travis, Merri-man, Mills, Navarro, Powell, Rainey, Reeves, Rogers, Smith of Fannin, Smith of Orange, Wælder and Wood—36.

NAYS.—Messrs Speaker, Barnard, Brown, Burks, Clow, Cooley, Craig, Dalrymple Harris of Guadalupe, Harris of Titus, Hart, Haynes of Washington, Higgins, Joseph, Lacy, Lewter, Lloyd, Munson, Norton, Poag, Price, Rhodes, Roberts, Ross, Runnels, Shelton, Tait, Walling and Waterhouse—29.

A message was received from the Senate announcing the passage by that body of the following bills originating therein.

A bill to amend the 3rd and 4th sections of an act entitled an act to authorize the County Courts of this State to grant a license for the retail of spirituous, vinous or other intoxicating liquors in quantities less than a quart, and imposing a license tax for such privilege, approved February 2nd, 1856.

A bill supplemental to an act donating lands to Railroads.

And the following bills originating in the House :

A bill to be entitled an act to establish uniform Weights and Measures.

A bill to be entitled an act to exempt Ferry Boats from execution or other forced sales.

A bill for the relief of Elizabeth Rice.

Also the following House bills with amendments.

A bill for the relief of the heirs of Daniel Martin, deceased.

A bill to incorporate the Mexican Gulf Texas and Missouri Railroad company, and a Joint Resolution authorizing Wm. M. Spaulding to bring suit in the District Court of Liberty county, against the State of Texas.

Mr. Roberts entered the following protest :

To THE Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The undersigned members of the House of Representatives, in view of their obligations and responsibilities, most respectfully dissent from the action of the majority of the House, in passing a bill to be entitled an act to establish a "State University," and object to the same, upon the ground of its violating the guarantees of the Constitution of the State in the following manner.

1st. The same substance of this bill in regard to the establishment of a University, and endowing it with lands and money, has been embodied in a resolution heretofore offered to this House during its present session—and unequivocally rejected, in the usual and well understood manner of rejecting bills or resolutions. This was the clear and decided opinion of many of the members at the time, as expressed by them publicly as well as privately and so went forth to the world.

It therefore virtually and substantially violates the 22d section of the third article of the Constitution of this State, expressed in the following terms, viz :

“After a bill or resolution shall have been rejected by either branch of the Legislature—no bill or resolution containing the same substance shall be passed into a law during the same session.”

2nd. The act of 26th January, 1839, appropriated and set apart fifty leagues of land for the establishment and endowment of *two* Universities, as shown in Hartley's Digest, Article 884. This was a contract binding the State. Our bill appropriates the same land to a different use, viz: to the endowment of *one* University—and in so far it effectually violates the contract implied in the former appropriation of the said fifty leagues, and contravenes that portion of the 14th section of the first article of the said State Constitution which is thus expressed, viz: *No law impairing the obligations of contracts shall be made.*

We therefore object to the passage of said bill and hereby enter our SOLEMN PROTEST against the same.

M. F. ROBERTS,

R. C. DOOM,

JONATHAN LEWTER,

WILLIAM M. ROSS,

EMORY LLOYD,

JOHN H. BURNETT,

JAMES G. COLLIER,

WM. R. SHANNON,

G. R. REEVES,

E. J. SHELTON,

JAMES M. HARRISON,

A. B. NORTON,

I subscribe to the first ground of protest,

JOSEPH H. BARNARD,

E. D. MCKENNEY,

RICHARD WATERHOUSE,

A. BISHOP,

JESSE WALLING,

D. R. LACY,

J. P. SCOTT,

MARTIN D. HART,

H. RHODES,

C. M. LESUEUR,

J. H. CROOK,

R. K. GASTON,

W. R. POAG.

AUSTIN, 9th February, 1858.

Mr. Chilton introduced a bill for the relief of Morgan P. Ellis ; read first and second times and referred to the committee on Private Land Claims.

On motion of Mr. Edwards, the rule was suspended and the bill to incorporate all Military Uniform Companies now organized or to be organized in the State, with an amendment of the Senate, taken up, and amendment concurred in.

Mr. Cleveland offered the following resolution :

Resolved, That the Hon. F. W. Latham be entitled to his *per diem* pay from the commencement of the session. Adopted.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed a bill for the relief of Alex. F. Allbright, Enock Grigsby, L. W. Hancock, the heirs of Charles Gilchrist and the heirs of Luis Fuentes ; report received.

Mr. Cleveland offered the following resolution :

Resolved, That Messrs. Poag, Hall, Ward, French and Baldwin have pay, *per diem*, from the first of the session.

On motion, the House adjourned until 3 o'clock P. M.

Pending, Mr. Cleveland's resolution.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

Question pending when the House adjourned, viz: Mr. Cleveland's resolution, taken up, and adopted.

Mr. Joseph introduced a bill to permit the Galveston and Brazos Navigation Company to re-locate their land certificates. Read first and second times and ordered to be engrossed ; rule suspended, read third time and passed.

On motion of Mr. Powell, the rule was suspended, and a bill to amend an act to relinquish to the inhabitants of Ysleta in El Paso county a certain tract of land, approved Jan. 21st, 1854, taken up, read and passed to a third reading; rule further suspended, bill read third time and passed.

On motion of Mr. McKinney of Travis, the stock bill was taken up and made the special order for 7 o'clock P. M.

Mr. Kinney offered the following resolution :

Be it resolved, The Senate concurring, That the resolution, fixing upon the 16th inst. for final adjournment, be and the same is hereby rescinded, and Monday, the 22d of February, at 10 o'clock A. M., be substituted and fixed for said final adjournment ; laid on the table one day for consideration.

On motion, the House proceeded to the consideration of the orders of the day, and business on the Speaker's table.

A bill, making an appropriation to pay a portion of the second class debt of the late Republic of Texas, taken up, and read third time.

Mr. Lee moved the previous question.

Mr. Lewter moved a call of the House ; lost, and the main question was ordered, which being the final passage of the bill, the same was put, and no quorum having voted, Mr. Hardeman moved to adjourn until 9 o'clock, Tuesday next, A. M.; lost.

On motion of Mr. Howerton, a call of the House was ordered.

It being ascertained that a quorum was present, the call was suspended.

The question recurring upon the final passage of the bill, the yeas and nays were demanded, and stood :

YEAS—Messrs. Speaker, Barnard, Bishop, Brown, Buckley, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Edwards, Evans of Austin, Fisher, French, Hall, Hardeman, Haynes of Starr, Henderson of Harris, Howerton, Joseph, Kinney, Lee, Merriman, Munson, Navarro, Poag, Powell, Price, Reeves, Rhodes, Roberts, Runnels, Smith of Orange, Tait, Wælder, and Walling—37.

NAYS—Messrs. Carroll, Chance, Crook, Dalrymple, Doom, Everett, Gaston, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Johnson, Lacy, Lloyd, McKenney of Hopkins, McKinney of Travis, Mills, Norton, Rainey, Rogers, Ross, Smith of Fannin, Waterhouse, and Wood—23.

So the bill passed.

Mr. Chilton moved to reconsider the vote just taken, and to lay the motion on the table ; carried.

A bill for the relief of the heirs of Y. G. Dallahite, taken up.

Mr. Buckley proposed to amend as follows :

“And to the heirs of Robert Barr, deceased, a head-right certificate for one-third of a league of land, and a donation certificate for six hundred and forty acres, for his participation in the battle of San Jacinto ; provided neither they nor their ancestors have heretofore received said lands.” Laid on the table.

On motion, the House adjourned until 7 o'clock P. M.

7 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Waterhouse, one of the committee on Enrolled Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The Joint committee on Enrolled Bills have examined the following bills, find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature :

An act to create the county of Blanco, and adjust the boundaries of counties affected thereby.

An act for the relief of Isaac D. Hamilton.

An act to authorize the county of Gonzales to levy an additional tax for the purpose of completing a Court House.

An act for the relief of the Sabine, Galveston Bay Railroad and Lumber Company.

An act to amend an act entitled an act to amend an act to incorporate the Brownsville and Rio Grande Railroad Company, approved February 7th, 1853.

An act to prohibit the sale of spirituous or vinous liquors to an Indian of the Choctaw or Chickasaw Territory.

An act to encourage the reclamation of slaves escaping beyond the limits of the slave territories of the United States.

RICHARD WATERHOUSE,

One of the committee.

February 12th, 1858.

Report accepted.

Mr. Evans of McLennan moved to reconsider the vote adopting a resolution giving the Chief Clerk, 1st and 2d Assistant Clerks, \$2,50 extra pay during the night sessions.

Mr. Chilton moved to lay the motion to reconsider on the table ; lost by the following vote :

YEAS—Messrs. Barnard, Bishop, Burks, Chance, Chilton, Cleveland, Clow, Doom, Edwards, Evans of Austin, Fisher, French, Hall, Hardeman, Henderson of Cass, Henderson of Harris, Jennings, Johnson, Lee, McKinney of Travis, Merri-man, Navarro, Powell, Price, Rainey, Reeves, Smith of Fan-nin, Smith of Orange, and Wælder—29.

NAYS—Messrs. Speaker, Aycock, Brown, Buckley, Carroll,

Collier, Cooley, Crook, Evans of McLennan, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Higgins, Howerton, Joseph, Lacy, Lesueur, Lewter, Lloyd, McKenney of Hopkins, Mills, Munson, Norton, Poag, Rhodes, Roberts, Ross, Runnels, Shelton, Tait, Walling, Waterhouse, and Wood—35.

The question recurring upon the motion to reconsider, the same was put, and vote reconsidered by the following vote :

YEAS—Messrs. Speaker, Aycock, Buckley, Burks, Carroll, Cooley, Crook, Dalrymple, Evans of McLennan, Everett, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Washington, Higgins, Howerton, Joseph, Kinney, Lacy, Lesueur, Lewter, Lloyd, Munson, Norton, Poag, Rhodes, Roberts, Rogers, Ross, Runnels, Shelton, Tait, Walling, Waterhouse, and Wood—37.

NAYS—Messrs. Barnard, Bishop, Chance, Cleveland, Clow, Collier, Doom, Edwards, Evans of Austin, Fisher, French, Hall, Hardeman, Haynes of Starr, Henderson of Cass, Henderson of Harris, Jennings, Johnson, Lee, McKenney of Hopkins, McKinney of Travis, Merriman, Mills, Navarro, Powell, Price, Rainey, Reeves, Smith of Fannin, Smith of Orange, and Wælder—31.

Mr. Wælder offered the following as a substitute for the resolution :

Resolved, That the sum of \$2,50 per day is hereby donated to the Chief Clerk and the two assistants, for extra services during night sessions, to be paid out of the contingent fund, the time to commence from the time of holding night session.

On motion of Mr. Haynes of Starr, the whole subject was laid on the table.

The House then proceeded to the consideration of the stock bill.

On motion, the House went into a committee of the whole on the bill, and Mr. Henderson of Harris was called to the Chair.

The committee arose, reported progress, and asked to be discharged from the further consideration of the bill.

Mr. Ross offered the following amendment to the bill :

Provided, That the term "stock," in this bill, shall not be construed to mean hogs, sheep or goats.

On motion of Mr. McKinney of Travis, the bill and amendments were laid on the table.

A bill for the relief of the heirs of Y. G. Dallahite, taken up, read third time and passed.

A bill to incorporate the Waco Union Female Institute, taken up, read and ordered to be engrossed ; rule suspended, read third time and passed by a two-thirds vote.

Mr. Chilton, by leave, introduced a bill to fix the salaries of the chief clerks of the Land Office, Comptroller's Office, and State Department ; read first time ; rule suspended, bill read second time and ordered to be engrossed.

Mr. Rhodes proposed to amend by adding "the chief clerk of the Court of Claims ;" withdrawn ; rule suspended, bill read third time.

Mr. Chilton proposed to amend as follows :

Chief clerk of the Treasurer's Office \$14,000, who shall give bond in the sum of \$25,000 for the faithful performance of his duties. Adopted, and bill passed.

Mr. Upshaw introduced a joint resolution relative to the sale of U. S. Bonds ; read first and second times, and referred to the committee on Finance.

Mr. Evans of McLennan moved to take up the Kansas resolutions ; lost.

A bill for the relief of Wm. Mudd taken up, read and ordered to be engrossed ; rule suspended, read third time and passed.

A bill for the relief of Thomas Stayton taken up, read, and passed to a third reading ; rule suspended, bill read third time and passed.

A bill to incorporate the Bosque Female Institute taken up.

Mr. Evans of ——— offered the following amendment :

"Bosque College and Seminary." Also insert the following names as corporators : M. Yell, N. Byars, R. N. Goode, I. L. L. McCall, John Cobbs, I. H. Sparks, W. Sill, Geo. B. Erath, Amos Morrill, and W. B. Walker. Adopted, and bill ordered to be engrossed ; rule further suspended, bill read third time and passed by a two-thirds vote.

Mr. Latham asked and obtained leave to record his vote for the Stuart Perry claim ; also, against the vote reconsidering the resolutions giving the chief clerk and his assistants two dollars and fifty cents a day extra during the time of night sessions.

Mr. Roberts moved to take up a bill for the relief of Jacob Wilcox ; lost.

A bill to change the boundaries of the corporate limits of

Helena in Karnes county, taken up, read and ordered to be engrossed ; rule suspended, bill read third time and passed.

Mr. Kinney, by leave, recorded his vote against the University bill.

A bill for the relief of Moses Higgins' heirs, taken up, read, and ordered to be engrossed ; rule further suspended, bill read third time and passed.

Mr. Chilton, Chairman of committee on Finance, reported as follows, on a Joint resolution for the sale of five per cent. bonds :

REPRESENTATIVE HALL, }
February 12th, 1858. }

TO THE HON. M. F. LOCKE,

Speaker of the House of Representatives :

The committee upon Finance, to which was referred a resolution to authorize the Comptroller to sell for cash one hundred thousand dollars of the five per cent. United States Bonds, has considered the same as calmly as the present depleted condition of the Treasury vaults would permit ; and, in view of the pressing necessity, which is operating alike upon each branch of our State Government, which exists for the supplying the Treasury with coin, would most respectfully ask the passage of the accompanying substitute.

CHILTON, Chairman.

Mr. Chilton moved to suspend the rule and take up the report and resolution ; carried, and substitute of committee adopted.

Mr. Doom proposed to amend by striking out "one and three-fourths per cent. discount," and inserting "at par."

The yeas and nays were called upon the adoption of the amendment, and stood—23 yeas, 38 nays ; and resolutions ordered to be engrossed.

Mr. Chilton moved a further suspension of the rule in order to put the resolution upon its third reading.

The yeas and nays were demanded, and stood—45 yeas, 17 nays ; so the House refused to suspend the rule.

Mr. Crook moved to adjourn until 9½ o'clock A. M., to-morrow ; lost.

A bill for the relief of Wm. B. Green taken up, read, and bill ordered to be engrossed ; rule suspended, bill read third time and passed.

Mr. Tait moved to adjourn until 9½ o'clock, A. M., to-morrow ; carried.

AUSTIN, February 13, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

Mr. Aycock, chairman of committee on Public Lands, reported adversely to the petition of the heirs of Alexander McCulloch; report received.

Mr. Kittrell, by leave, withdrew the petition and papers.

Mr. Navarro, by leave, withdrew the papers of Ignacio Perez and ——— Ruez.

On motion of Mr. Lee, the rule was suspended, and a Senate bill to authorize and require the Court of Claims to issue certain headright certificates therein named taken up; read and passed to a third reading; rule suspended, bill read third time and passed.

On motion of Mr. Lee, the rule was suspended, and a bill to authorize the Commissioner of Claims to approve certain headright, bounty and donation Land Certificates taken up; read second time and ordered to be engrossed; rule further suspended, bill read third time and passed.

On motion of Mr. Johnson, the rule was suspended, and a Senate bill for the relief of Leonard Ashmore and the heirs of John Ashmore taken up; read and passed to a third reading; rule suspended, bill read third time and passed.

Mr. Johnson, one of the committee on Engrossed Bills, reported correctly engrossed—

A bill for the relief of Wm. Mudd; and

A bill to authorize the Commissioner of Claims to approve certain headright and donation land certificates.

Report accepted.

A message was received from the Senate, announcing the passage of the following bills originating in that body:

A bill supplemental to an act to incorporate the Opelousas and Texas Western Railroad Company.

A bill to relinquish to the Houston and Texas Central Railroad Company a certain bond therein named.

A bill to amend the 8th section of an act to encourage the construction of Railroads in Texas by donations of land, passed January 30th, 1854, and to repeal an act amendatory thereto, passed Sept. 1, 1856.

A bill for the relief of Ann M. Bradley.

A joint resolution to provide an alphabetical list of the Journals of the House and Senate, &c.;

And had repassed a bill to provide for a digest of the laws of Texas, as a substitute for the House substitute for the same bill ;

A House bill for the relief of P. J. Jennings ; and

A House bill to incorporate the Freestone School Association.

On motion of Mr. Lesueur, the rule was suspended, and a bill for the relief of Jacob Long was taken up ; read and passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Evans of Austin, the rule was suspended, and a bill for the relief of the heirs of James Lastly, dec'd, was taken up ; read and passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Wælder, the rule was suspended, and a bill to incorporate the San Antonio Water Company was taken up ; read and passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Chilton, the rule was suspended, and a joint resolution authorizing the Secretary of the Senate and Chief Clerk of the House to make an alphabetical index, &c., was taken up ; read first and second time and passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Walling, the rule was suspended, and a bill for the relief of John E. Scrimpf was taken up, read and passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Higgins, the rule was suspended, and a bill for the relief of Thomas H. Mays was taken up ; read second time and ordered to be engrossed ; rule, suspended, read third time and passed.

On motion of Mr. Poag, the rule was suspended, and a bill to provide for the purchase of an additional supply of Texas Reports was taken up ; read and passed to a third reading ; rule suspended, read third time and passed.

Mr. French moved to suspend the rule and take up the "Castro Colony" bill.

On motion of Mr. Edwards, the motion to suspend was laid on the table.

On motion of Mr. Latham, a bill for the relief of Alexander McGowan was taken up ; read and passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Dalrymple, the rule was suspended, and

a bill for the relief of Willis Avery, Jesse Barker, James Smith, Jacob Eberley and Jacob Casner; read and ordered to be engrossed; rule suspended, read third time and passed.

On motion of Mr. Brown, a Senate bill prohibiting the issuance and delivery of land certificates to the Galveston, Houston and Henderson Railroad Company was taken up and passed to a third reading; rule suspended, read a third time and passed.

On motion of Mr. Clow, the following bills were taken up:

A bill to incorporate the Lavaca Insurance Company; ordered to be engrossed; rule suspended, read a third time and passed by a two-thirds vote:

A Senate bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio; passed to a third reading; rule suspended, read a third time and passed by a two-thirds vote.

A Senate bill to incorporate the Texas Life, Fire and Marine Insurance Company of the city of Galveston; passed to a third reading; rule suspended, read a third time and lost by a vote of 41 yeas, 23 nays—being less than two-thirds.

On motion of Mr. Hart, the vote just taken was reconsidered.

Mr. Rainey moved to amend the bill as follows:

“Provided that this act shall not be so construed as to confer banking privileges in any guise, shape, or form.”

Mr. Aycock moved to amend the amendment by adding thereto:

“And provided further, that the surplus capital to be loaned out shall consist of gold and silver.”

Adopted—the amendment, as amended, was adopted, and the bill passed by a two-thirds vote.

Mr. Chilton offered the following resolution, which was adopted:

Resolved, That a special committee of three be appointed by the Speaker, to investigate the Treasury, and ascertain what funds are in the Treasury subject to payment upon appropriations, and what disposition the Treasurer has made of the coupons, specie and bonds in his hands, as reported by him on November 1st, 1857, and of his receipts since that time, and whether his payments during the last three months are correct and proper; and, also, to examine into any matters necessary to understand the exact condition of the Treasury at this time; said committee to *act and report* forthwith.

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The Joint committee on Enrolled Bills have this day examined the following bills, find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature :

An act for the relief of Elizabeth Rice.

An act supplemental to the charter of the Aransas Road Company.

An act making appropriation for the support of the Penitentiary for the years 1858 and 1859.

An act for the relief of John Gay's heirs.

An act for the relief of John W. Haydon.

An act to provide for the payment of three companies of minute men commanded by Captain John W. Sansom, John D. Davenport and Reading W. Black.

An act for the relief of Sherrod Roland and Ezekiel Roland.

An act for the relief of W. B. Mauldin.

An act supplementary to an act amendatory of an act to ascertain the legal claims for money and land against the State, passed August 1st, 1856, approved January 16th, 1858.

An act to legalize surveys in the disputed territory between Milam and Bexar Land District.

An act to incorporate the Opelousas and Texas Western Railroad Company.

An act for the relief of the widow and heirs of Daniel Martin, deceased.

An act amendatory of an act entitled an act regulating Juries, approved 4th May, 1846.

A message was received from the Senate, announcing that the Senate had passed the following bills originating in the House :

A bill to be entitled an act making provision for the translating and printing of certain general laws into the Spanish, German and Norwegian languages.

A bill to be entitled an act for the relief of Elijah Moore.

A joint resolution relative to the Coshattie Indians in Polk county, with an amendment from the Senate.

A bill to be entitled an act amendatory of the laws to raise revenue by taxation, with an amendment from the Senate.

A bill to be entitled an act to re-organize the fifteenth Ju-

judicial District, and regulate the time of holding Courts therein.

A bill to be entitled an act to authorize and require the Commissioner of Claims to approve certain headright, bounty and donation land certificates.

A bill to be entitled an act for the relief of John Reid.

A bill to be entitled an act to define the dividing lines between the counties of Hill, Navarro and Limestone.

A bill to be entitled an act to permit the Galveston and Brazos Navigation Company to relocate their land certificates.

A bill to be entitled an act for the relief of Robert J. Calder.

On motion of Mr. Cleveland, the rule was suspended, and a bill for the relief of Joseph Lewis and John Loramore taken up; read and ordered to be engrossed.

Mr. Hart offered the following amendment:

“Provided the said parties have never received the lands for which they apply.”

Adopted, and bill read third time and passed.

On motion of Mr. Jennings, the rule was suspended, and a bill to provide for a digest of the laws of the State taken up.

The House insisted on its substitute for the Senate bill, and appointed Messrs. Jennings, Henderson of Harris, Rainey, Munson and Wælder a committee of Conference on the disagreement between the two houses.

Mr. Powell moved to take up a bill to relieve John B. Stewart from minority.

No quorum having voted, a call of the House was ordered.

Absentees—Messrs. Barnard, Bee, Bishop, Burks, Burnett, Chance, Chilton, Crawford, Crook, Dennis, Edwards, Everett, Hall, Hardin, Harris of Titus, Haynes of Starr, Haynes of Washington, Hicks, Howerton, Johnson, Joseph, Kirk, Lacy, Lloyd, Munson, Murrah, Navarro, Powell, Price, Rogers, Runnels, Scott, Shannon, Smith of Orange. Tait, Wælder, Walling, Witt and Wood.

On motion of Mr. Hart, the House adjourned until 3 o'clock, P. M.

3 O'Clock, P. M.

House met—roll called—quorum present.

A bill to relieve John B. Stewart and J. T. Pierce from the disabilities of minority, taken up. with a report from the com-

mittee on the Judiciary recommending an amendment ; amendment adopted.

Mr. Dalrymple proposed to amend by adding the names of W. B. T. Allen, J. C. Everett, W. W. Gordon, O. C. McGee and T. S. Easter ; adopted.

Mr. Rhodes proposed to amend by adding the name of W. H. Harris, of Nacogdoches, Texas ; adopted, and bill passed to a third reading.

The question being on the final passage of the bill the same was put, and stood, yeas —, nays —.

Mr. Johnson, one of the committee on Engrossed Bills, reported as follows :

Hon. M. F. Locke,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined, and report correctly engrossed the following bills, to-wit :

A bill to be entitled an act to incorporate the Bosque College and Seminary.

A bill to be entitled an act to incorporate the Waco Union Female Institution.

A bill to be entitled an act to re-organize the fifteenth Judicial District, and regulate the time of holding Courts therein.

Also, a bill to be entitled an act for the relief of John Larimore and James Lewis.

THOS. J. JOHNSON,

One of the Committee.

Report accepted.

Mr. Clow, one of the same committee, reported as follows :

Hon. M. F. Locke,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed, viz :

A bill to be entitled an act for the relief of P. J. Jennings.

A bill to be entitled an act to permit the Galveston and Brazos Navigation Company to re-locate their land certificates.

A bill to incorporate the Lavaca Insurance Company.

A bill to be entitled an act for the relief of William B. Green.

A bill to be entitled an act to establish the salaries of the Chief Clerks in the General Land Office, Comptroller's Office, State Department and Treasurer's Office.

A bill to be entitled an act for the relief of the heirs of Moses Higgins.

A bill to be entitled an act to change the boundaries of the town of Helena, in Karnes county.

Joint resolution for the sale of one hundred thousand dollars of U. S. Bonds, now in the Treasury.

A bill for the relief of Willis Avery, the heirs of Jesse Barker, the heirs of Jacob Casner and the heirs of Jacob Eberly.

A bill for the relief of Thomas H. Mays.

R. J. CLOW.

Report accepted.

A bill to incorporate the Mexican Gulf, Texas and Missouri Railroad Company, with Senate amendment, taken up, and amendment concurred in.

Joint resolution authorizing Wm. M. Spaulding to bring suit in the District Court of Liberty county against the State, taken up, and Senate amendment concurred in.

A bill for the relief of the heirs of Sydney O. Pennington, with a substitute reported from committee on Private Land Claims, taken up ; substitute adopted and ordered to be engrossed ; rule suspended, read third time and passed.

Joint resolution in relation to the Indians in Polk and Tyler counties, taken up, with an amendment from the Senate thereto : the House refused to agree to the amendment of the Senate.

Mr. Chilton, by leave, reported favorably on a bill making appropriations for the use and support of the State Government for the years 1858 and 1859.

On motion of Mr. Chilton, the rule was suspended, and the bill and report taken up, and amendment of the committee adopted.

Mr. Chilton offered the following amendment :

Amend by striking out " For salary of accountant in Comptroller's Office, \$1,000, and insert \$1200 ;" withdrawn.

Mr. Wælder offered the following amendment, to come in under the head " State Engineer :"

" For Office rent, stationery, postage, and other contingent expenses of office, two hundred and fifty dollars annually.

“For advertising, one hundred and twenty-five dollars annually

“For pay of Sub-Engineers, one thousand dollars annually, in addition to unexpended balance heretofore appropriated.

“For hire of boats and hands, and other expenses in making examinations of work upon the rivers, so as to report quarterly to the Governor, two thousand three hundred dollars, in addition to unexpended balance.”

Laid on the table.

Bill passed to a third reading; rule further suspended, bill read third time and passed by the following vote: Yeas 58, nays 7.

Mr. Kinney moved to suspend the rule and take up Senate bills on first reading; lost for want of a quorum.

On motion of Mr. Poag, the rule was suspended, and a bill for the relief of Joseph E. Fields taken up; read and passed to a third reading; rule suspended, bill read third time and passed.

On motion of Mr. Everett, the rule was suspended, and a bill for the relief of George W. Goodwin taken up; read and ordered to be engrossed; rule suspended, bill read third time and passed.

Mr. Higgins moved to suspend the rule, and take up a bill for the relief of A. H. Cook.

On motion of Mr. Joseph, the rule was suspended, and a bill to authorize the Commissioner of the Court of Claims to approve the headright certificate of the heirs of Robert Thompson taken up; read and ordered to be engrossed; rule suspended, bill read third time and passed.

A bill for the relief of Henry M. Smith, of Rusk county, taken up; read, and

Mr. Chilton moved to strike out the second section; carried, and bill passed to a third reading; rule suspended, bill read third time and passed.

On motion of Mr. Kinney, the rule was suspended, and a bill for the relief of Catherine R. S. Jones taken up read, and on motion of Mr. Brown, the Senate bill for the relief of said C. R. S. Jones, substituted for the House bill, and bill passed to a third reading; rule further suspended bill read third time and passed.

On motion of Mr. Rogers, the rule was suspended, and a bill for the relief of Nancy Coleman taken up; read third time and passed.

On motion of Mr. Collier, the rule was suspended and a Senate bill to incorporate the McKinney Bridge and Ferry company taken up; read and passed by a two-third's vote.

On motion of Mr. Ross, the rule was suspended, and a bill for the relief of George S. Hyde taken up; read and ordered to be engrossed; rule suspended, bill read third time and passed.

On motion of Mr. Wood, the rule was suspended and a bill for the relief of Austin College taken up; read, and

Mr. Henderson of Harris offered the following amendment:

“Also, one league of land to Baylor College, in Washington county, and one league of land to Houston College, in the city of Houston.”

Mr. Barnard proposed to amend the amendment by giving one league of land to Aranama College, located in Goliad.

Mr. Howerton moved to lay the amendments on the table.

No quorum having voted, on motion the House adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Waterhouse, one of the committee on Enrolled Bills, reported as follows:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the following bills, find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature.

An act to establish uniform weights and measures.

An act for the relief of P. J. Jennings.

An act to incorporate all military uniformed companies now organized, or to be organized in this State.

An act for the relief of the heirs of James Lastley.

An act for the relief of Jacob Long.

An act for the relief of Alexander McGowan.

An act to authorize and require the Commissioner of Claims to issue certain headright certificates therein named.

Joint resolution for the benefit of Wm. M. Spalding.

An act to incorporate the Freestone School Association.

An act to prohibit the issuance or delivery of land certifi-

cates, and the survey or patenting of land, to the Galveston, Houston and Henderson Railroad Company, until said company shall have complied with the requirements herein named.

RICHARD WATERHOUSE,
One of the Committee.

13th February, 1858.

Question pending when the House adjourned, viz : The motion to lay the amendments proposed to the bill for the relief of Austin College on the table, taken up, and amendments laid on the table by a vote of 33 yeas, to 30 nays.

Mr. Rhodes proposed to amend as follows :

Add one league of land to the University which is now in the course of erection in the town of Nacogdoches, in Texas, also one league of land to the University in Tyler, Smith county.

Mr. Roberts moved to lay the amendment on the table ; lost.

Mr. Wælder offered a substitute for the bill and amendment.

On motion, the main question was ordered, which was the adoption of the substitute, the same put; and the substitute adopted.

Mr. Lee offered the following amendment :

Strike out "Incorporated Colleges," and insert "Counties for the use of common schools."

Mr. Haynes of Starr offered the following as a substitute for the bill and amendment :

A BILL to be entitled an act to encourage and aid Common Schools, Academies and Colleges.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That there be set apart of the public domain of the State five leagues of land for each county now incorporated, or that may hereafter be incorporated, to aid and encourage common schools, academies and colleges.

SEC. 2. That said lands shall be disposed of, and the proceeds thereof distributed to such institutions, in such manner and in such proportion as the Legislature may hereafter direct.

SEC. 3. That this act take effect and be in force from and after its passage.

Mr. Edwards moved to lay the whole subject on the table.

The yeas and nays were demanded, and stood :

YEAS—Messrs. Aycock, Buckley, Burks, Carroll, Clow, Cooley, Edwards, Evans of McLennan, Everett, Fisher, Hardeman, Harris of Guadalupe, Harris of Titus, Harrison, Henderson of Cass, Howerton, Jennings, Joseph, Latham, McKenny of Hopkins, Merriman, Mills, Munson, Navarro, Poag, Price, Reeves, Roberts, Rogers, Smith of Orange and Tait—31.

NAYS—Messrs. Speaker, Barnard, Bishop, Brown, Chance, Cleveland, Chilton, Collier, Crook, Dalrymple, Doom, French, Gaston, Hart, Haynes of Starr, Higgins, Kinney, Kittrell, Lacy, Lesueur, Lewter, Lloyd, McKinney of Travis, Norton, Powell, Rainey, Rhodes, Ross, Runnels, Upshaw, Wælder, Walling, Waterhouse and Wood—33.

So the House refused to lay on the table.

Mr. Cleveland moved the indefinite postponement of the whole matter.

The House refused to postpone.

Mr. Reeves moved to refer the whole matter to a Select committee.

The yeas and nays were called, and stood :

YEAS—Messrs. Aycock, Buckley, Burks, Chilton, Cleveland, Clow, Edwards, Everett, Fisher, Hall, Harris of Guadalupe, Harrison, Haynes of Washington, Henderson of Cass, Henderson of Harris, Howerton, Jennings, Johnson, Joseph, Kittrell, Lacy, Lee, Lesueur, McKenney of Hopkins, Merriman, Munson, Poag, Powell, Price, Reeves, Ross and Tait—32

NAYS—Messrs. Speaker, Barnard, Bishop, Brown, Chance, Collier, Cooley, Crook, Dalrymple, Doom, Evans of Austin, Evans of McLennan, French, Gaston, Harris of Titus, Hart, Haynes of Starr, Higgins, Kinney, Lewter, McKinney of Travis, Mills, Navarro, Norton, Rainey, Rhodes, Roberts, Smith of Orange, Wælder, Walling, Waterhouse and Wood—32.

So the House refused to refer.

Mr. Howerton moved to adjourn until Monday morning, 9½ A. M.; lost.

A message was received from the Senate, announcing to the House that the Senate had passed—

A joint resolution for the appointment of a State Librarian ;

And the following bills originating in the House, viz :

A bill for the relief of Alex. F. Allbright, Enoch Grigsby,

L. W. Hancock, the heirs of Charles Gilchrist, and the heirs of Luis Fuentes ; and

A bill for the relief of Willis Avery, the heirs of Jesse Barker, the heirs of Jacob Casner, and the heirs of Jacob Eberly.

A message was received from the Governor.

The question recurring upon the adoption of the substitute offered by Mr. Haynes of Starr, the same was put, and the yeas and nays being demanded, stood thus :

YEAS—Messrs. Speaker, Barnard, Bishop, Brown, Carroll, Chance, Chilton, Cleveland, Collier, Crook, Dalrymple Doom, Evans of Austin, Evans of McLennan, French, Gaston, Harris of Guadalupe, Harris of Titus, Harrison, Hart, Haynes of Starr, Henderson of Cass, Higgins, Jennings, Johnson, Kinney, Lacy, Lesueur, Lewter, McKenney of Hopkins, Meriman, Mills, Navarro, Norton, Price, Rainey, Rhodes, Ross, Shelton, Smith of Orange, Walling, Waterhouse and Wood—44.

NAYS—Messrs. Aycock, Burks, Clow, Edwards, Everett, Fisher, Hall, Henderson of Harris, Joseph, Kittrell, Lee, McKinney of Travis, Poag, Powell, Reeves, Runnels and Tait—16.

A message was received from the Senate, announcing that the Senate had passed a bill for the relief of James M. Robinson ; and that the Senate had passed a bill to establish the salaries of the Chief Clerks of the General Land Office, Comptroller's Office, State Department and Treasurer's Office, with an amendment ; and that the Senate had concurred in the amendments of the House to a bill making appropriations for the use and support of the State Government for the years 1858 and 1859.

Also, that the Senate had passed a bill to attach the county of Blanco to the 17th Judicial District, and define the time of holding Courts therein ;

And the following bills originating in the House :

A bill to change the boundaries of the town of Helena in Karnes county ;

A bill for the relief of Moses Higgins ;

A bill for the relief of George S. Hyde ;

A bill for the relief of Nancy Coleman ;

A bill for the relief of George W. Goodwin ;

A bill for the relief of Wm. Mudd ;

A bill to incorporate the Waco Union Female Institute ;

A bill to authorize the Commissioner of Claims to approve

headright certificate, No. 42, issued by the Board of Land Commissioners of Robertson county on the 9th day of October, 1841, to the heirs of Robert Thompson ;

And that the Senate refuse to recede from its amendments to House bill relative to Indians in Polk and Tyler counties—has appointed Messrs. Pedigo, Lott and Shepard a committee of Conference, and request like committee on part of the House ;

And that the Senate concur in the House amendments to a bill for the relief of H. M. Smith, of Rusk county ; and

A bill to incorporate the Galveston Life, Fire and Marine Insurance Company ; and

A bill to remove the disabilities of minority from John B. Stewart and John T. Pierce and others.

Mr. Runnels moved to adjourn to 9½ o'clock, Monday, A. M. ; lost.

Mr. Poag moved to lay the bill and substitute on the table ; lost.

Mr. Chilton moved a call of the House ; carried.

Absentees—Messrs. Aycock, Baldwin, Bee, Buckley, Burnett, Cleveland, Clow, Craig, Crawford, Dennis, Doom, Evans of McLennan, Everett, French, Hardin, Harris of Titus, Henderson of Cass, Hicks, Howerton, Kirk, Latham, Lloyd, McKinney of Travis, Murrah, Navarro, Powell, Reeves, Roberts, Rogers, Runnels, Scott, Shannon, Smith of Fannin, Upshaw, Witt and Wood.

On motion of Mr. Brown, the call was suspended.

On motion of Mr. Chilton, the call of the House was renewed.

Absentees—Messrs. Baldwin, Bee, Buckley, Burnett, Craig, Crawford, Dennis, Evans of McLennan, French, Hardin, Harris of Titus, Henderson of Cass, Hicks, Howerton, Kirk, Latham, Lloyd, McKinney of Travis, Murrah, Powell, Roberts, Rogers, Scott, Shannon, Smith of Fannin, Upshaw and Witt.

On motion of Mr. Kinney, the Sergeant-at-Arms was dispatched after absentees.

The Sergeant-at-Arms returned and reported no members found.

On motion the House adjourned until 9½ o'clock, A. M., Monday morning.

AUSTIN, February 15, 1858.

House met pursuant to adjournment—roll called—quorum present—Journal of yesterday read and adopted.

Mr. Brown offered the following resolution :

Resolved, That the subscription of this House to the Gazette, Intelligencer and Sentinel shall cease from this day, and all accounts for postage on the part of the House, shall be paid out of the contingent fund, on the approval of the committee on Printing.

2d. That the subscription to the Tri-Weekly Gazette shall be continued for nine issues of the same, provided it shall contain the captions of all acts passed during the session, and such General Laws as the Secretary of State may deem most important and nothing else, and that all of said issues shall be published within three weeks from this date, and the number of copies to which each member is entitled mailed to his address by the publisher.

3d. That the subscription to the Appendix may be continued until all the debates are published, provided the time shall not be longer than sixty days, and that the copies thereof shall be mailed as provided in the second resolution. The postage on said Tri-Weekly and Appendix shall be paid out of the contingent fund as also the price of subscription to both papers after this date, on the certificate of the post master that the papers have been mailed as aforesaid.

4th. That the Chief Clerk shall be required to arrange, index, file, number and carefully secure all the papers and archives of the House at the present session, and also to index the Journals of the House in such manner as to make them and all the unfinished business convenient for future reference, for which service he shall be allowed thirty days per diem pay.

Mr. Buckley proposed to amend by striking out thirty days and insert sixty days, adopted, and resolution as amended adopted.

Mr. Chilton introduced a bill to provide the means of returning work by the Public Printer after the adjournment of the Legislature ; read first time, rule suspended, bill read 2d time and ordered to be engrossed, rule further suspended, bill read third time and passed.

Mr. Buckley offered the following resolution :

Resolved, That the House proceed to consider :

1st, House bills with Senate amendments.

2d, Senate bills on third reading.

3d, Senate bills which have been referred and reported by committees of the House, laid on the table one day for consideration.

Mr. Jennings, Chairman of a committee of conference reported as follows :

To THE HON. F. R. LUBBOCK,

President of the Senate, and

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee of free conference instructed to confer upon a Senate bill to be entitled an act to provide for digesting the laws of the State of Texas, and a House bill having the same object, have directed us to report that they have agreed upon the substitute herewith presented for both of the bills, and earnestly recommend its passage.

I. A. PASCHAL,

Chairman on part of the Senate,

THOS. J. JENNINGS,

Chairman on part of the House.

Report adopted and substitute passed.

Mr. Wælder, Chairman of a select committee reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives :

A portion of the select committee to whom was referred the Senate's bill to encourage the construction of a main trunk railroad to the Rio Grande, report as follows :

The construction of a railroad to connect the Atlantic States with the shores of the Pacific ocean, has been for years one of the cherished objects not only of the people of Texas, but of the people of the entire Union.

The feasibility of such an undertaking through our own State is not doubted, your committee believe, in any quarter. Indeed it seems to be admitted on all hands, that no other route offers the same advantages. The climate and topography of Texas seem to point out this State as the one through which this great enterprize of the age ought to take its course.

Yet with all the advantages that our territory thus offers, there are other routes indicated, which are likely to prove formidable rivals. A proposition is now pending in the Congress

of the United States, to construct a Pacific Railroad along the 38th degree of North latitude, through the territory of Kansas. Should this latter route find favor to the exclusion of the Texas route, that country will, in the opinion of your committee, receive such an influx of northern emigration as to give that class great preponderance in point of numbers. The territory of Kansas will, in other words become the receptacle of an abolition and abolitionizing population, and the last hope of securing it to the institutions of the South will thus be gone.

Under such circumstances it is of the last importance that Texas should be in a condition to become the successful competitor for the construction of a railroad to the Pacific. We have the best route, and the most ample means to place ourselves in that condition.

But how do we stand? We find upon our statute books two companies incorporated to construct railroads to the Pacific; the Southern Pacific Railroad Company, and the Memphis, El Paso and Pacific Railroad Company. It would seem clear that not more than one road can or ought ever to be built across the State. If two are attempted, the rivalry which will spring up between them, must inevitably prove ruinous to both. The two divided cannot successfully compete with other routes, though less favorable the latter may be in point of climate and topography. There is great danger then, that if we attempt too much, we may be left to the leeward in the race about to come; while with a united front our companies might compete successfully for the great prize.

In every view of the case it seems desirable that the companies chartered by our own State should become united, and by union be placed in a position to outstrip any other competitor. That such a union could but prove beneficial, not only to the companies themselves, but to the State and the entire South, seems so apparent, that your committee would deem it a work of supererogation to offer further argument in support of the proposition.

The committee would not recommend a compulsory union between the two companies. The majority therefore offer the accompanying amendments to the Senate's bill. With these amendments the bill leaves it altogether optional with the parties interested, whether they will form the proposed junction or not. If they will unite, their union can only result in good, in the opinion of those of your committee who favor this report.

A majority of the committee have instructed me to report back the bill with the following amendments for the action of House.

JACOB WÆLDER,
One of the Committee.

AMENDMENTS.—Strike out the seventh section of the bill.

Strike out the 8th section and insert therefor the following :

Section —. If the two railroad companies hereinbefore named, shall fail to agree upon a union and junction as provided for in this act, within two years after its passage, then this act shall be null and void.

Strike out “the town of Dallas,” and insert “such time and place as said commissioners may agree upon.”

Strike out “commissioners,” in the fifth line of the 4th section, and insert “companies.”

Strike out the words “at or near the meridian of longitude of Fort Graham,” in the second section, and insert, therefor, “at any point within the reservation provided for in the foregoing section.”

Insert after the word “and,” in the eighth line of the 3d section, as follows : “in case of disagreement among the commissioners as to the terms, conditions and arrangements of said union and junction, may”—

Insert after the word “company,” in the fifth line of 5th section, “under the united control and management of both companies.”

Add this section :

SEC. —. Nothing in this act shall be so construed as to compel said union and junction of said companies, nor shall the failure to form said union and junction, from any cause, alter, change, enlarge or diminish, the rights and privileges of either company.

Report received.

Mr. Wælder moved to suspend the rule and take up the report ; lost.

Mr. Mills, Chairman of committee on Claims and Accounts, made the following reports :

COMMITTEE ROOM, }
February 12, 1858. }

To M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Claims and Accounts, upon examinatio

of the memorial of Emanuel H. Hed, for relief, find the facts to be the following :

Some time in August, 1856, the petitioner was arrested, in Harris county, on suspicion of having killed one Underwood : was tried before an examining Court of Harris county, which continued fifteen days, and finally discharged ; he incurred great expense in procuring witnesses and employing counsel to defend him ; and, in this exhausted his means : is now needy, and has a helpless family dependent on his exertions ; has been a soldier in the wars of the country, and always honorably discharged ; that Underwood, supposed to have been killed, afterwards appeared among his friends. The petition of Mr. Hed is numerously signed, attesting the facts.

The above are the grounds of the relief asked for ; and the committee, without hesitation, are compelled to report upon this claim unfavorably, from the most obvious reasons of public policy. They pray to be discharged from its further consideration, and ask that the memorialist have leave to withdraw his papers.

MILLS,

Chairman.

COMMITTEE ROOM, }
February 12, 1858. }

To M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Claims and Accounts, on examination of the petition of Charles Scheide Montel, of Medina county, for pay as a soldier, find the grounds of the claim to be these :

That he was a Lieutenant in Captain Bernbeck's company, raised in Pittsburgh, Penn., in 1837 ; landed at Velasco ; marched to and was stationed at East Columbia on the Brazos river ; that the company was in the Texas service, under the order of Gen. Houston ; was six months in the service, at the station, from the time they set out for Texas until disbanded and discharged by order of Gen. Houston, a great number of the company having died of disease contracted after entering the service.

There is no evidence in support of the facts as alleged, other than the statement of the petitioner, which, under a settled rule of the committee, is not sufficient to obtain relief.

In addition to this, the committee think, if the facts can be established, the relief sought can be obtained under General Laws providing for the pay of soldiers in the Texan army,

without special legislation for this case. They, therefore, report the case back to the House, and ask to be discharged from its further consideration.

MILLS,
Chairman.

Reports received.

Mr. Shelton, one of the same committee, reported as follows :

COMMITTEE ROOM, }
February 12, 1858. }

To Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee on Claims and Accounts have had under advisement the Senate's bill granting Lieut. M. Hitchcock a second class certificate of public debt for nine hundred and eighteen dollars and thirty-four cents, and find the alleged facts as follows :

He alleges, that, in March, 1842, he was commissioned by the President of the Republic a Lieutenant, commanding the schooner "Alert," owned by Geo. Simpton ; that he chartered the schooner to accompany the schooner "Lafitte," to carry arms, &c., men and provisions, from Galveston to Aransas Bay, for the protection of the inhabitants against the Mexican fleet, supposed to be, at that time, on the western coast of Texas ; that besides the money paid out for the equipment of said vessel, including men and provisions, he claims pay as Lieutenant, then commanding, for twenty-eight days service, at \$125 per month, making the original amount claimed by him \$1836 68.

The prominent points in the case are proved up as well as cases of like character usually are. The Senate reduced the claim one-half, on the hypothesis that the sum paid out by Mr. Hitchcock was in the currency of the country, worth fifty cents on the dollar. It is a claim of sixteen years standing ; and considering the facilities, given by former legislation, to establish claims against the State, the committee think it unaccountable that course was not pursued. The acts of 1848 and 1850, extending the provisions of the act of 1848, to ascertain the debt of the late Republic of Texas, added to the act of 1852, would seem to leave no excuse for delay for claim-holders against the State. The provisions of these enactments are clear and comprehensive—embracing every character of legal and equitable claim ; and, if followed, spe-

cial legislation, as in this case, would not be needed. The Government has often admonished claimants when, how and where, to present their demands, but to little purpose, for the Legislature is still thronged with bills and petitions for private relief. Fifty years will not see the end of these claims, if the time and place of their presentation and proof, as fixed by former laws, are not inflexibly adhered to.

In this case, the committee report the facts, believing them to be true ; and, if the rule is to be relaxed—the propriety of which we doubt—we do not see why Mr. Hitchcock's claim should not receive the favorable action of the Legislature. But the committee here enter their decided opinion, that special legislation for these cases, as a general rule, is fraught with dangerous evils.

E. J. SHELTON,

Report received.

One of the committee.

Mr. Chilton, Chairman of the committee on Finance, reported unfavorably upon a bill for the relief of Thomas Smith ; report adopted.

Also reported as follows :

COMMITTEE ROOM, }
February 13, 1858. }

TO THE Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee on Finance, to which was referred the Senate's bill, making appropriations to supply the deficiency in former appropriations, and for other purposes, have considered the same, and beg leave to submit the accompanying amendments to the same, and ask that they may be adopted and bill passed. Respectfully,

CHILTON,
Chairman.

HOUSE AMENDMENTS

To the Senate's bill, entitled an act making appropriations to supply the deficiency in former appropriations, and for other purposes :

Amend by adding the name of David Webb to the list of pensioners, also the name of Juana Navarro Allsbury.

Amend by adding ; for Moodie and Dohme, for flagging side-walk on Congress Avenue, in the city of Austin, balance due—\$300 00.

Strike out "for clerk of Board of School Commissioners—\$100 00."

Add, "to John Burlege, for services in Court of Claims—\$30 00."

"For salary of A. J. Davis, chaplain to the State Penitentiary, for the year 1857—\$250 00."

Add, "for boring Artesian Well and improving Capitol grounds—\$10,000 00; or so much thereof as may remain unexpended of that sum appropriated by the sixth Legislature."

Report taken up and adopted, and bill passed to a third reading; rule suspended, bill read third time and passed.

On motion of Mr. Chilton, the rule was suspended and the general appropriation bill taken up, and the House refused to recede from its amendments, and appointed Messrs. Chilton and Doon a conference committee on the disagreement between the two Houses on the same.

A Senate bill, making an appropriation for the payment of certain public debt of the late Republic of Texas, "2d class C."

Mr. Kittrell proposed to amend by striking out "\$60,414,73," and inserting "\$25,000 00; adopted, and bill passed to a third reading; rule suspended, bill read third time and passed.

On motion of Mr. Chilton, the rule was suspended, and a bill to amend an act to raise revenue by taxation, taken up, and Senate amendments concurred in.

On motion of Mr. Henderson of Harris, the rule was suspended, and a bill supplemental to an act defining the duties of sheriffs, passed May 12th, 1846, taken up, read first and second times, and passed to a third reading.

Mr. Rainey offered the following amendment:

"Provided, That the new securities under this act shall not be liable for the omissions or malfeasance of said sheriff, prior to the execution of the bond given by said security." Adopted.

A message was received from the Senate, announcing the passage of a Senate bill granting further time for holding, and changing the time of holding the District Courts in the counties of Henderson, Kaufman and Van Zandt.

A House bill to incorporate Bosque College.

That the Senate had adopted the report of the Conference committee, on a bill to provide a Digest of the Laws of Texas, and that Senators Grimes and Graham had been appointed a

committee of Conference on the House amendment to the general appropriation bill.

On motion of Mr. Henderson of Harris, the rule was suspended, and a bill supplemental to the act donating lands to railroads, taken up and read first time; rule suspended, bill read second time and passed to a third reading.

Mr. Henderson of Harris moved a further suspension of the rule, in order to read the bill a third and final time.

The yeas and nays were called, and motion lost by the following vote :

YEAS—Messrs. Speaker, Aycock, Buckley, Burks, Chilton, Cleveland, Clow, Craig, Doom, Edwards, Evans of Austin, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Kinney, Lacy, Latham, Lee, Merriman, Mills, Navarro, Norton, Powell, Price, Rainey, Reeves, Rogers, Runnels, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Wælder, Walling, and Waterhouse—43.

NAYS—Messrs. Barnard, Brown, Carroll, Collier, Cooley, Dalrymple, Evans of McLennan, Everett, Gaston, Harris of Titus, Harrison, Hart, Haynes of Starr, Johnson, Lesueur, Lewter, McKenney of Hopkins, McKinney of Travis, Poag, Rhodes, Roberts, Ross, and Wood—23.

Mr. Norton introduced a Joint resolution to have a list of the contingent expenses of the Legislature spread upon the Journal; read first time; rule suspended by a vote of 48 yeas to 16 nays, resolution read second time and ordered to be engrossed; rule further suspended, resolution read third time, and Mr. Brown proposed to amend by inserting before the word "item," the words "class of;" lost, and resolution passed.

Mr. Haynes of Starr moved to suspend the rule and take up a Senate bill regulating public printing.

Mr. Kinney moved to adjourn until 3 o'clock, P. M.; carried.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

The question pending on adjournment was the motion of Mr. Haynes of Starr to suspend the rule and take up a bill regulating public printing.

The question being put, the House refused to suspend the rule.

Mr. Wood moved to reconsider the vote refusing to suspend the rule, and take up a bill supplemental to an act donating lands to railroads.

Mr. Everett moved to lay the motion to reconsider on the table; lost.

The question being on the motion to reconsider, the same was put and carried.

And the question recurring on the motion to suspend the rule, the same was put, and the bill taken up by the following vote:

YEAS—Messrs. Speaker, Barnard, Brown, Buckley, Carroll, Chance, Chilton, Cleveland, Clow, Craig, Crook, Doom, Edwards, Evans of Austin, Evans of McLennan, Fisher, French, Gaston, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Lacy, Latham, Lee, Lester, McKinney of Travis, Merriman, Mills, Navarro, Norton, Powell, Price, Rainey, Reeves, Rhodes, Rogers, Ross, Runnels, Smith of Orange, Tait, Upshaw, Wælder, Walling, Waterhouse and Wood—58.

NAYS—Messrs. Bishop, Collier, Dalrymple, Everett, Harrison, Lesueur, McKenney of Hopkins, and Poag—8.

Mr. Wood offered the following amendment, which was adopted—viz: Amend by inserting, in the third line of the 12th section of the bill, to come in after the word "State," the following: "that has twenty-five miles of road constructed in running order, and is"—

The question being on the final passage of the bill, the same was put, and the bill was passed.

A message was received from the Senate, announcing that the Senate had passed the following bills originating in the House:

A bill to provide the manner of returning work by the Public Printer after the adjournment of the Legislature.

A Joint resolution relative to publishing a list of the contingent expenses of the Legislature, with an amendment.

A bill to incorporate the Lavaca Insurance Company.

And the following bills originating in the Senate:

A bill for the relief of Lewis David.

A bill supplementary to an act to provide for the registry of deeds, &c.

And that the Senate had adopted the report of the committee of Conference on the appropriation bill.

And the Senate agrees to the House's amendment to the deficiency bill, and had refused to concur in the House's amendment to a bill making an appropriation for the payment of certain public debt of the late Republic of Texas—"Class C."

And a bill to amend an act defining the office and duties of sheriffs, passed 12th of May, 1846.

On motion of Mr. Ruiney, a bill, granting further time for the holding of, and changing the time of holding the District Courts in the counties of Henderson, Kaufman and Van Zan It, was taken up, and read first time.

Mr. Edwards moved to suspend the rule and put the bill on its second reading.

The previous question was ordered on the motion to suspend.

The question being on the suspension, the same was put and lost.

Mr. Chilton, Chairman of the committee on Finance, reported as follows :

COMMITTEE ROOM, }
Austin, February 28th, 1858. }

To the Hon. FRANK R. LUBBOCK,

President of the Senate, and

The Hon. M. F. LOCKE,

Speaker of the House of Representatives :

The committee of Conference, to which was submitted the disagreement upon the part of the two Houses of the Legislature, in reference to the amendment proposed by the House, to the appropriation bill which originated in the Senate, has duly considered the same, and begs leave to report—that the Senate should recede from its action in rejecting the appropriation of one thousand dollars per annum for three assistant draftsmen in the General Land Office ; and that the committee is agreed upon the appropriation of twelve hundred dollars as the salary of the Chief Clerk of the Treasury Department. All of which is respectfully submitted.

JESSE GRIMES,

On part of the Senate.

GEO. W. CHILTON,

On part of the House.

Report adopted and bill passed.

On motion of Mr. Chilton, a bill to provide for paying a portion of second class public debt—"C,"—was taken up, and the amendments of the House adhered to, and a committee of conference appointed, consisting of Messrs. Chilton, Ross and Hart.

Mr. Brown offered the following resolution, which was adopted :

Resolved, That a committee of three be appointed, to act with a like committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses of the Legislature will adjourn, *sine die*, at ten o'clock, A. M., to-morrow. Adopted; and Messrs. Brown, French, and Kinney, appointed said committee.

On motion of Mr. McKinney of Travis, a bill for the relief of Jacob Wilcox was taken up, read, and passed to a third reading ; rule suspended, read third time and passed.

On motion of Mr. Upshaw, the rule was suspended, and a bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, taken up, read first time.

Mr. Poag moved to refer the bill to committee on Internal Improvements.

A message was received from the Senate, announcing to the House that the Senate had passed a Joint resolution proposing an amendment to the Constitution, with an amendment.

A bill to amend the 15th section of an act to organize the District Courts, and define their powers and jurisdiction, approved May 11th, 1846, with an amendment.

And a Joint Senate resolution relative to the balance of the public debt remaining in the U. S. Treasury.

And that the Senate refused to concur in the House's amendment to a bill supplemental to the act donating lands to railroads.

And that the Senate had appointed Messrs. Throckmorton, Caldwell, and Erath, a committee of conference on House amendments to Senate bill making appropriation for the payment of certain public debt of the late Republic of Texas—"2d class C."

And had appointed Messrs. Russell and Caldwell a committee to wait on the Governor and inform him that the two Houses of the Legislature would adjourn to-morrow, ten o'clock, A. M.

Mr. Poag's motion to refer was put, and the House refused to refer the bill.

Mr. Buckley moved to suspend the rule in order to read the bill second time.

The yeas and nays were called, and stood—52 yeas, 6 nays.

So the House refused to suspend the rule, no quorum having voted.

On motion a call of the House was ordered.

Call suspended, question on suspending rule again put; rule suspended, and bill passed to a third reading; rule further suspended, bill read third time and passed by a two-thirds vote.

Mr. Price offered the following resolution:

Resolved, That the thanks of this House are cordially tendered the HON. M. F. LOCKE, for the manner in which he has presided over its deliberations since his election as Speaker.

Unanimously adopted.

Mr. Chilton made the following report:

COMMITTEE ROOM, }
February 15, 1858. }

To the Hon. FRANK R. LUBBOCK,

President of the Senate, and

To the Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The committee of Conference, to which was submitted the question of disagreement of the two Houses of the Legislature with reference to the sum to be appropriated for the payment of the 2d class, "C," public debt, has had the same under consideration, and begs leave to report, that it has agreed, unanimously, to the appropriation of the sum of forty thousand dollars.

All of which is respectfully submitted.

J. W. THROCKMORTON,
Chairman on the part of the Senate.

GEO. W. CHILTON,
Chairman on the part of the House.

A bill supplemental to the act donating lands to railroads, with Senate amendment, taken up, and House insisted on its amendment, and appointed Messrs. Wælder, Wood, and Henderson of Harris, a committee of Conference.

Joint resolution to amend the Constitution so as to sell the school lands, taken up, with amendments from the Senate. The House insists on its amendment.

Hon. M. F. Locke,

Speaker of the House of Representatives:

The Joint committee on Enrolled Bills have this day examined the following bills, and find them correctly enrolled, properly signed, and this day presented to the Governor for his approval and signature—15th February, 1858 :

An act to authorize the Commissioner of the Court of Claims to approve head-right certificate, No. 42, issued by the Board of Land Commissioners of Robertson county on the 9th day of October, 1841, to the heirs of Robert Thompson.

An act for the relief of Elijah Moore.

An act to permit the Galveston and Brazos Navigation Company to re-locate their land certificates.

An act making provision for the translating and printing of certain general laws into the Spanish, German and Norwegian languages.

An act to re-organize the Fifteenth Judicial District, and regulate the times of holding Courts therein.

An act for the relief of Robert J. Walder.

An act for the relief of John Reid.

An act to define the dividing lines between the counties of Hill, Navarro, and Limestone.

An act for the relief of William Mudd.

An act supplementary to and amendatory of an act to establish a Code of criminal procedure, approved 26th August, 1856.

An act to incorporate the Western Texas Life, Fire, and Marine Insurance Company, of the city of San Antonio.

An act for the relief of Joseph E. Field.

An act relinquishing to Catharine R. S. Jones all the right and title that the State has to the escheated property of David Williams, deceased.

An act for the relief of H. M. Smith, of Rusk county.

An act to incorporate the San Antonio Water Company.

An act to remove the disabilities of minority from John B. Stewart and John T. Pierce, and declare them of lawful age.

An act to incorporate the McKinney Bridge and Ferry Company.

An act to authorize and require the Commissioner of Claims to approve certain head-right bounty and donation land certificates.

An act for the relief of George W. Goodwin.

An act to change the boundaries of the town of Helena, in Karnes county.

An act for the relief of Alexander F. Albright, Enoch Grigsby, L. W. Hancock, the heirs of Charles Gilchrist, and the heirs of Luis Fuentes.

An act for the relief of Willis Avery, the heirs of Jesse Barker, the heirs of Jacob Carmer, and the heirs of Jacob Eberly.

An act for the relief of the heirs of Moses Higgins.

An act to incorporate the Texas Life and Marine Insurance Company, of the city of Galveston, State of Texas.

An act permitting Nancy Coleman, senior, and other free persons of color, therein named, to remain in the State of Texas until the 6th day of April, A. D. 1860.

An act to incorporate the Bosque College and Seminary.

An act to provide for a Digest of the laws of Texas.

Also an act making appropriation to supply the deficiency in former appropriations, and for other purposes.

RICHARD WATERHOUSE,

Report accepted.

One of the committee.

The Committee on engrossed bills have examined the following bills and find them correctly engrossed, viz :

A bill for the relief of George S. Hyde.

A bill authorizing the Commissioner of the Court of Claims to approve headright certificate No. 42, issued by Board of Land Commissioners of Robertson county.

A bill for the relief of George W. Goodwin.

A bill for the relief of the heirs of Sydney O. Pennington.

A bill to be entitled an act to provide the manner of returning work by the Public Printer, after the adjournment of the Legislature.

Joint Resolution on salary of clerks, contingent expenses, &c.

R. J. CLOW,

February 15, 1858.

One of the Committee.

Report accepted.

A message was received from the Senate announcing the passage of a bill to incorporate the Navisota Turnpike and Toll Bridge Company with an amendment, and that the Senate had adopted the report of the conference committee on the difference between the two Houses on the House amendment to a bill making an appropriation to pay a portion of the Public Debt of Texas, "second class C."

A bill to amend an act to re-organize the 18th Judicial District, approved January 14th, 1856.

And a bill making an appropriation to pay a portion of the 2d class debt of the late Republic of Texas, and had appointed Messrs. Paschal, Tankersley and Scarborough a committee of Conference on a bill supplemental to an act donating land to Rail Roads.

Joint Resolution to require a list of the contingent expenses to be spread upon the journals of the Legislature taken up, and Senate's amendment concurred in.

A bill to fix the salaries of the Chief Clerks of the Land Office, Comptrollers' Office, and State Department taken up, and House refused to concur in the Senate amendment and appointed Messrs. Chilton, Cleveland and Merriman a committee of conference on said amendment,

A Joint Resolution relative to the balance of the funds remaining in the Treasury of the United States, taken up, read first and second times and passed to a third reading, rule suspended, read third time and passed.

The House then adopted the report of the committee of conference of the amendments of the House to a Senate bill making an appropriation to pay a portion of the Public Debt of the late Republic of Texas, "Second Class C."

Mr. Evans of McLennan moved to take up the substitute for the resolution to pay the chief clerk and his two assistants \$2 50 donation for services rendered during night sessions.

The yeas and nays were demanded.

On motion, the House adjourned until 7 o'clock: Pending, a call of the roll on Mr. Evans' motion.

7 O'clock, P. M.

House met pursuant to adjournment—roll called—quorum present.

Question pending when the House adjourned, viz: Mr. Evans' motion to take up the substitute for the resolution donating \$2 50 pay to clerks for night sessions, was put.

The yeas and nays being demanded, stood: Yeas 43, nays 17.

So the House suspended the rule.

Mr. Latham moved to amend by adding, "Enrolling and Engrossing Clerks."

Mr. Wood proposed to amend by adding, "the Doorkeeper and Assistant Doorkeeper."

Mr. Latham moved to lay the amendments on the table; lost, and Mr. Wood's amendment adopted; and Mr. Latham's amendment, as amended, adopted.

Mr. Hart moved to amend by adding: "And each member of the Legislature;" laid on the table.

Mr. Rainey moved to amend by adding: "the Sergeant-at-Arms;" carried.

Mr. McKinney of Travis moved to amend by adding: "the Assistant Sergeant-at-Arms;" adopted.

Mr. Aycock proposed to amend as follows, and by adding:

"Provided that half the additional compensation provided for the Enrolling Clerk shall be paid to the person employed by him as an assistant."

Adopted, and on motion of Mr. Rainey, the main question was ordered, which being the adoption of Mr. Aycock's amendment, the same was put, and amendment adopted.

The question being upon the adoption of the resolution as amended, the same was put and, and the yeas and nays were called, and stood: 32 yeas, 30 nays.

Mr. Wælder, chairman of the committee of Conference, on the part of the House, on the disagreement of the two houses to the House amendment to a bill supplemental to the act donating lands to railroads, reported as follows:

Hon. F. R. LUBBOCK,

President of the Senate, and

To the Hon M. F. LOCKE,

Speaker of the House of Representatives:

The joint committee of Conference, to whom was referred the Senate's bill to be entitled an act supplemental to the act donating lands to railroads, recommend that the House recede from its amendment.

I. A. PASCHAL,

Chairman of Committee on part of the Senate.

JACOB WÆLDER,

Chairman of Committee on part of the House.

Mr. Wood, one of the same committee, made the following minority report:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The undersigned, a lone minority of the joint committee of

Conference, on the House's amendment to the Senate's bill granting four sections of land to Railroads, upon their completing the grade on twenty-five miles of road; most respectfully dissents from the majority report recommending the House to recede from its amendment.

The House's amendment compelled Railroad companies to construct twenty-five miles of road in running order, and made the provisions of the bill applicable to the grading of the succeeding sections.

The undersigned believes this to be good policy :

1st. Because a railroad company that is not able to construct twenty-five miles of road, and put it in running order, certainly does not produce that proof of *bona fide* intention, solvency and capacity that ought to aid to recommend it to the favorable consideration of the State and people. In other words, such a company are not *fit* subjects for State aid and bounty.

2d. That it is the policy of the State to require railroad companies, before becoming the recipients of State aid and bounty, to construct some portion of their road as an earnest of good faith, and as a security for the State loan. The undersigned believes that the construction of twenty-five miles of road, in running order, is *little* enough to require in the way of *earnest* and capacity.

3d. If railroad companies cannot grade their roads, or any part thereof, without State aid ; if, in fact the State is to furnish the means to grade and equip these roads, and the companies can do nothing, the undersigned believes that the State had better dispense with the companies, and take the construction of the roads under her own supervision and control.

4th. The undersigned believes that the present restriction, compelling railroad companies to construct twenty-five miles of road, in running order, before they are entitled to land or a loan of money from the State, to be a wise policy—one calculated to secure the speedy and sure completion of the roads, and thus benefit the State and the railroad companies, and should be adhered to. This granting of relief after relief ; this sweeping away of restriction after restriction, only points to a future inevitable result : the release, by Legislative enactment, of all the wise and wholesome conditions that are now by law imposed upon railroad corporations. It is time for the State to say, "thus far shalt thou go and no farther."

For these reasons, and others that could be urged, the un-

dersigned recommends that the House adhere to its amendment to the bill.

WM. D. WOOD.

February 15th, 1858.

On motion of Mr. Henderson of Harris, the reports and bill taken up.

Mr. Brown moved to lay the bill and report on the table ; lost.

Mr. Henderson moved to adopt the report of the majority of the committee.

The yeas and nays being demanded, the report was adopted by a vote of 48 yeas, 16 nays.

On motion of Mr. Doom, a bill from the Senate, supplemental to act incorporating the Opelousas and Texas Western Railroad company, passed by the 7th Legislature, taken up ; read first time ; rule suspended, read second time and passed to a third reading ; rule further suspended, read third time and passed by a two-thirds vote.

Mr. Rainey moved to suspend the rule, and take up a bill to define the time of holding the District Courts in the counties of Henderson, Kaufman and Vanzandt ; carried, and bill taken up ; read second time and passed to a third reading ; rule further suspended, read third time and passed.

On motion of Mr. Powell, a bill to incorporate the Navasoto Turnpike and Toll Bridge company taken up, and amendments of the Senate concurred in.

On motion of Mr. Chilton, a bill to incorporate the Corpus Christi Academy taken up ; read and passed to a third reading ; rule further suspended, read third time and passed by a two-thirds vote.

Mr. Lee moved to suspend the rule, and take up a bill for the relief of Lewis David ; lost.

Mr. Chilton, chairman of a committee of Conference, reported as follows :

To the Hon. F. R. LUBBOCK,

President of the Senate, and

To Hon. M. F. LOCKE,

Speaker House of Representatives :

The Conference committee, to which was referred the disagreement of the two houses, with reference to the bill to establish the salaries of the chief clerks in the General Land

Office, &c., has considered the same, and agree upon the following, which they submit, and respectfully ask to be adopted.

Amend by adding :

“The chief clerk in the Treasurer’s Office shall receive an annual salary of twelve hundred dollars, and the chief clerk of the Court of Claims shall receive an annual salary of fourteen hundred dollars.”

Amend caption by adding: “And chief clerk of the Court of Claims.”

GEORGE W. CHILTON,
Chairman on part of the House.

J. W. THROCKMORTON,
Chairman on part of the Senate.

Report received, and on motion of Mr. Chilton, the report was taken up and adopted, and bill passed.

Mr. Jennings, chairman of a Conference committee, reported as follows :

Hon. F. R. LUBBOCK,

President of the Senate :

Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The committee of Conference on the disagreement between the two houses, on a joint resolution proposing an amendment to the Constitution, for the sale of school land, have agreed that the Senate recede from their amendment.

J. B. ERATH,
Chairman on part of Senate.

THOS. J. JENNINGS,
Chairman on part of the House.

Report received and adopted.

Mr. Chilton moved to suspend the rule, and take up the Kansas Resolutions.

The yeas and nays being demanded, stood :

YEAS—Messrs. Speaker, Aycock, Bishop, Brown, Buckley, Burks, Chance, Chilton, Cleveland, Clow, Collier, Cooley, Craig, Crook, Dalrymple, Doom, Edwards, Evans of McLennan, Everett, Fisher, French, Gaston, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Harrison, Haynes of Washington, Henderson of Cass, Higgins, Jennings, Johnson, Joseph, Kinney, Kittrell, Lacy, Latham, Lee, Lesueur, Lewter, Merriman, Navarro, Powell, Rainey, Reeves, Rhodes, Rogers,

Ross, Runnels, Shelton, Upshaw, Wælder, Walling and Wood—55.

NAYS—Messrs. Barnard, Hart, Norton, Tait and Waterhouse—5.

So the rule was suspended, and resolutions taken up; read first time; rule further suspended, read second time.

On motion of Mr. Lee, the House went into a committee of the Whole on the resolutions.

[Mr. KITTRELL, of Madison, in the Chair.]

The committee arose and reported that the committee had adopted the Senate's resolutions.

Mr. Rainey offered the following resolution, which was decided out of order:

Resolved, That the rights of the States, under the Constitution, impose imperatively the duty upon the South to demand the admission of Kansas, with the Lecompton Constitution, as the *sine qua non* of a further association with the Federal Union.

Report of the committee adopted, and the resolutions passed.

Mr. Chilton moved to suspend the rule, and take up a bill for the relief of Thomas Powell; lost.

Mr. Brown, chairman of the committee appointed to wait on the Governor, and inform him that the Legislature would adjourn *sine die*, on to-morrow, at 10 o'clock, A. M., reported duty performed, and that the Governor had no further communications to make to the House.

Report received and committee discharged.

Mr. Waterhouse, one of the committee on Enrolled Bills, reported as follows:

Hon. M. F. LOCKE,

Speaker of the House of Representatives:

The joint committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, properly signed, and presented to the Governor for his approval and signature:

An act making an appropriation to pay a portion of the Second Class Debt of the late Republic of Texas.

An act for the relief of Jacob Wilcox.

An act making appropriations for the use and support of the State Government for the years 1858 and 1859.

An act amendatory of the laws to raise revenue by taxation.

An act to amend the 15th section of an act to organize the Districts, and to define their powers and jurisdiction, approved May 11th, 1846.

An act to provide the manner of returning work by the Public Printer after the adjournment of the Legislature.

An act for the relief of William B. Green.

An act to incorporate the Lavaca Insurance Company.

An act to incorporate the Mexican Gulf, Texas Central and Missouri Railroad Company.

An act to amend an act to reorganize the Eighth Judicial District and define the times of holding courts therein, approved 14th January, 1856.

An act to establish the salaries of the Chief Clerks in the General Land Office, Comptroller's Office, State Department, Treasurer's Office and Court of Claims.

Joint resolution in relation to the Indians residing in the counties of Polk and Tyler.

RICHARD WATERHOUSE,

Report accepted.

One of the Committee.

On motion of Mr. Kittrell, a call of the House was ordered.

On motion of Mr. Chilton, the Sergeant-at-Arms and Assistant Doorkeeper were dispatched after absentees.

There being a quorum present, on motion the call was suspended.

Mr. Chilton offered the following resolution, which was adopted :

Resolved, That the Chief Clerk be, and is hereby required to issue his certificate to the special Enrolling Clerks, employed by the Speaker to-night, for such sum as may be indicated by the Speaker, and that the same be paid by the Treasurer out of the contingent fund of this House.

Mr. Rainey offered the following resolution, which was adopted :

Resolved, That the thanks of the House are hereby tendered to the officers of the House for the faithful performance of their duties, during the present session of the Legislature.

Mr. Waterhouse, one of the committee on Enrolled Bills, reported as follows :

Hon. M. F. LOCKE,

Speaker of the House of Representatives.

The joint committee on Enrolled Bills have examined the following bills, find them correctly enrolled and partly signed :

Joint resolution proposing an amendment to the State Constitution.

An act to incorporate the Navisoto Turnpike and Toll Bridge company.

An act supplementary to an an act to incorporate the Opelousas and Texas Western Railroad company.

R. WATERHOUSE,

One of the Committee.

A message was received from the Senate, announcing to the House that the Senate had passed—

A House bill for the relief of W. B. Green ;

And that the Senate had appointed Messrs. Throckmorton, Shepard and Grimes a committee of Conference on the bill to fix the salaries of the chief clerks of the different departments of the State Government ;

And that the Senate insists upon its amendments to a joint resolution of the House, proposing an amendment to the Constitution, so as to permit a sale of the school lands—has appointed Messrs. Erath, Britton and Walker a committee of conference thereon, and requests the appointment of a like committee on the part of the House.

The Senate has reconsidered its vote refusing to recede from its amendment to the joint resolution of the House in relation to the Indians in the counties of Polk and Tyler, and recedes from the said amendment.

Have adopted report of the committee of Conference upon bill amending an act donating lands to Railroads.

The Senate have adopted the report of committee of Conference on Clerks Salary Bill.

The Journal was then read and adopted.

On motion, the House adjourned until 9 o'clock A. M., to-

morning until 11 o'clock A. M. The Senate was ready to adjourn sine die at 10 o'clock A. M., and was ready to receive any communication from the House.

The Speaker appointed Messrs. Brown, Jennings and Navarro a committee to inform the Senate that the House would adjourn *sine die* at 10 o'clock, A. M., and was ready to receive any communication from the Senate. The committee returned and through their chairman, Mr. Brown, reported their duty performed, and that the Senate had no further communication to make to the House.

The Speaker then addressed the House as follows:

GENTLEMEN:

Our labors have closed, and the time has come when duty, like the inclinations of a true heart, calls us to our respective homes, where we fondly hope to realize some recompense for our great outlay of mental and physical toil, in the circle of our families.

We have spent some one hundred and seven days in session, and it will be a sufficient remuneration if our deliberations should prove as beneficial as they have been assiduous and prompt. We may well congratulate ourselves that in a State of so much and wide-spread area, with such conflicting interests to accommodate, while acting under such liberal institutions and latitudinous regulations, (restrained only by feelings of courtesy and regard for each other,) that our deliberations have been so free from discord and ill will.

In the part which I have acted, if in language or by action I have evinced a disregard for any gentleman of the House, such act or word misrepresented the true sentiments of my heart, and I only request that the same may be attributed to my opinion that it was proper and necessary, and calculated for the dispatch of business and to promote the interests of the State.

And now, upon our separation, may I be permitted to say that each gentleman of the House ostensibly wields an influence at home. My duty has been spent in earnestly contending for the spirit and letter of the Constitution of the Federal Union—for the rights, honor and interest of all the several States of the Union, and if we can—of the Southern States, in particular.

This House is now adjourned *sine die*.

M. F. LOCKE,

Speaker of the House of Representatives.

H. H. HAYNIE,

Chief Clerk of the House of Representatives.